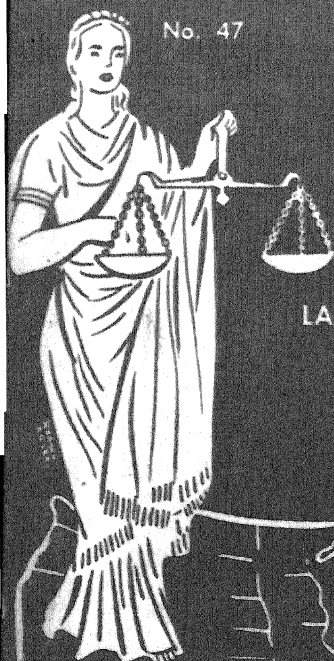


LAW AND THE SPORTSMAN

No. 47

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LAW AND THE SPORTSMAN

by

Robert M. Debevec, LL.B.

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Legal Almanac Series No. 47

Law and the Sportsman

by ROBERT M. DEBEVEC, LL.B.



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The **LEGAL ALMANAC SERIES** is designed to bring to the informed layman as well as the lawyer non-technical treatments of a wide variety of legal subjects. These books do not, nor do they seek to take the place of an attorney's advice; but they can introduce you to your legal rights and responsibilities.

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ROBERT M. DEBEVEC is an outstanding Cleveland attorney in private practice with a distinguished law firm in that city. A former Clerk of Court for the city of Euclid, Ohio, he is active in the American Bar, Cleveland Bar and Cuyahoga County Bar Associations. His forty years have been accented by a sportsman's heart and a love of the outdoors. In addition to some technical writing in the legal field, he has been a frequent contributor to outdoor and "mens'" magazines, usually writing on legal problems as they affect the sportsman. He combines legal knowledge with ready wit and a light touch in his writings. A veteran of World War II, Mr. Debevec is married and is the father of three children.

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INTRODUCTION

Consider the prehistoric hunter as he hitches up his loincloth, selects the proper caliber club for the particular size dinosaur he is after today, and steps out of his contemporary split-level cave into a hostile and uninviting world. He is governed by only one law: that of self-preservation.

Today's outdoorsman, instinctively following in his ancient ancestor's footsteps, also hitches up his trousers. There the similarity ceases. When this modern caveman selects a shotgun, rifle, golf club or fishing rod and sallies forth to meet the challenges of Nature, he faces a world of game wardens, posted properties, fences, game preserves, and suit-minded citizens. He is governed by many laws, both civil and criminal. He must know and observe these laws or suffer the unpleasant consequences.

This book was written so that you, as an outdoorsman and a sportsman, will know your legal responsibilities whether you are hunting, fishing, camping, boating, golfing or merely exercising your Springer Spaniel. The minute you engage in any outdoor activity you are faced with a multitude of Federal, state and city regulations. Violating any of these statutory laws makes you subject to criminal prosecution.

Besides these regulatory rules of conduct, there are civil laws governing the relationship between you and others. Knowing your legal rights and obligations in the area of civil laws such as trespassing, personal injury, torts, negligence and property rights can save you much time, trouble and an occasional red face.

Do you know, for example, who legally owns the game killed by a trespasser? Suppose you shoot a pheasant which

lands on your neighbor's property . . . who gets the bird? Can you run game out of season for the purpose of training a dog?

Does a landowner need a license to shoot game on his own property? Does the owner of wild game kept in captivity need a hunting license to kill such wild game? What is your legal responsibility if you accidentally hook into a 200-lb fellow fisherman on a backcast? Who pays the bills when a golfer slices a drive which makes a hole in someone's skull?

Although these and numerous other questions which bother the sportsman will be answered in this book, remember that each state has its own particular statutes.

Law and the Sportsman will outline *generally* the legal responsibilities of the back-to-nature clan but keep in mind that a lawyer who has passed the Bar in the state in which you reside is always best qualified to answer your immediate legal questions.

PART I

YOUR LEGAL RESPONSIBILITIES AS A HUNTER

Chapter 1

THE GAME WARDEN—FRIEND OR FOE?

Although many hunters regard the game warden as an outcast and a spy to be shunned at all times, actually, of course, he is there for only one reason. He has been hired to protect *your* rights since you are the rightful owner of all the wild animals in your state.

This may be news to many hunters, but it is a fact: the title to all wild game belongs not to the government, but to you, the individual citizen. The state merely holds title to the game in trust for the people.

This was brought out effectively in a case tried in the State of Washington recently. A small group of landowners sued the State Game Commission to prevent its using rotenone poison to control the population of undesirable fish in a large lake. The landowners' injunction was dismissed on the ground that the fish belonged to *all* the people in the state for which the Commission was acting, not just a few. The Court stated: "Fish in any waters of the state, and game in its forests *belong to the people of the state.*"

This is the law which we inherited from England and is the law in all the states. If you bag a buck during season, have a license and have complied with all regulations,

your title to that buck is as good as if you had a bill of sale and a properly executed receipt.

In other words when the people of a state declare through their legislature that there shall be certain hunting seasons, licenses to be purchased and other regulations, failure to comply with such laws does not change title from the people to the person so violating them. However, when such laws are obeyed and an individual reduces such wild game to his own possession, he acquires a valid title to that game as his own personal right.

To illustrate this point, several years ago a hunter was arrested by the game warden in Vermont for illegally using a trap to catch a bear. After paying his fine, the trapper demanded that the warden return the bear carcass to him so that he could collect the bounty.

The Court said nothing doing and stated this legal proposition which is the law in all the states: "Property of all wild animals is in the state as trustee for the whole body of people until an individual acquires ownership by capture or otherwise reducing them to possession. *But this must be a legal act and not one against the law.*" Here, the state had never given up ownership of the bear and therefore the game warden could keep it.

Although the game warden is protecting your own personal property, he has the power to arrest you and confiscate your equipment if you should violate the game laws. These laws are enforced by imposing a fine and imprisonment. A few states have enacted legislation making a game law violator subject to a civil suit for damages caused by his violation.

In Colorado, New Mexico and Oregon the law provides that besides the criminal penalty for violating game laws, the state warden or other enforcement officer may bring a *civil* action in the name of the state against the violator. Minimum civil judgments that may be recovered as *damages* for taking, killing or injuring various game animals in these states are:

	Colorado	New Mexico	Oregon
For each elk	\$200.00	\$200.00	\$100.00
For each deer	50.00	50.00	100.00
For each antelope	100.00	100.00	100.00
For each mountain sheep ..	200.00	200.00	100.00
For each mountain goat		200.00	100.00
For each beaver	25.00	50.00	
For each protected bird	10.00	10.00	2.00
For each fish	1.00	1.00	
For each buffalo or bison	1,000.00		

Each of the above judgments are in addition to fines and/or jail sentences imposed as criminal penalties.

Under the various state hunting and fishing regulations, it is not necessary to have the *intent* to violate the law. Mere *possession* of illegal game, for example, makes you guilty.

At times the fines imposed by state laws for violations of game laws have been appealed on the ground that they are unconstitutional because they are excessive. However, the Supreme Court has always upheld these state statutes as being constitutional.

For example, an interesting case along these lines arose a few years ago in the state of Minnesota. The Minnesota law imposed a penalty of \$10.00 for each duck unlawfully in the possession of a hunter. The poacher in this case had 2000 ducks in his possession and consequently was fined the tidy sum of \$20,000. His appeal was turned down by the Supreme Court which ruled that under the circumstances, the fine was not excessive.

As mentioned above, the game warden has the right to seize and confiscate any equipment being used illegally in violation of the game laws. Very few states make any exception to the equipment which can be seized under this right. New Mexico excepts firearms from its Searches and Seizure law.

However, in all states, the violator is entitled to a full hearing and trial in court if the equipment to be seized has other, legal uses.

For example the warden may seize a boat used in illegal

duck hunting but may not confiscate it without a trial since it could be used for pleasure, fishing or other purposes.

Although you have a property right in all game in your state, you do not have an inherent right to kill such game. The Supreme Court has stated that the right to hunt and fish is a boon and a privilege and your constitutional rights are not violated when the game warden denies the privilege for any reason or when the state places limitations on your right to hunt.

The game warden has the right to demand that you show him your license to fish or hunt. Most states have passed laws making it a crime to fail to show your license to the warden when he asks to see it. Even in the absence of specific legislation the Supreme Court of the United States has ruled that in any case a hunter must exhibit his license when properly called upon to do so, and he violates the law even if he has it on his person and cannot find it.

In some states the law requires you to display your hunting or fishing license so that it is visible at all times. These are: Arkansas; Connecticut; Delaware; Maryland; Massachusetts; Michigan, hunting only; New Hampshire; New Jersey, hunting only; New York, hunting only; Ohio, hunting only; Pennsylvania, hunting only; Rhode Island; Utah; Wisconsin.

However, even though you do possess a valid license to hunt, remember this license only affects the relationship between you and the state. It does not give you any rights to hunt on private property.

The relationship between you and the landowner is not affected in any way by the license. Your legal responsibilities towards the owner of land are more fully discussed in a later chapter, "You and the Landowner."

Although the state alone has the power of regulating the taking of game within its territory and can hire game wardens to enforce its laws, there are two exceptions where the Federal Government takes over.

Since the Federal Government has the power to make

laws in order to carry out treaties with foreign nations, under this power it can regulate the taking of migratory birds. It is for this reason you are required, for example, to purchase a Federal Duck Stamp in addition to your state license for the privilege of hunting migratory waterfowl.

The other exception is that the United States Government has the right to protect its land and property within a National Game preserve. Therefore it can permit killing of game when this is necessary for control purposes regardless of the laws of the state where the preserve is located. This function of the Federal Government is carried on through the Department of the Interior, Fish and Wildlife Service. For a list of the National Parks where fishing licenses are and are not required, see Appendix "A."

When you purchase a hunting license you will receive a copy of the hunting and trapping laws in your state. For regulations in other states, write to the appropriate state official listed in Appendix "B." Study these game laws closely and always follow them to the letter.

Your encounters with the game warden will then always be pleasant and many times most profitable. No one is more familiar with the habits and location of wild game, and he is always more than willing to pass along a few friendly tips to the hunter who also happens to be a good sportsman.

Chapter 2

ACQUIRING TITLE TO WILD ANIMALS

The Question of Possession

"Possession is Nine Points of the Law" strikes a familiar note to most people. It is especially applicable in answering the question of who owns wild game after it is shot or captured. The general rule for determining ownership of wild game, including fish, is that game cannot be subject to private ownership except so far as the people of the state declare it to be so. Ordinarily this means when it is rightfully reduced to possession.

An interesting example of this concept of the law is the Pennsylvania case where a hunter shot a deer and approached it, thinking it was dead. Just as the hunter reached it, the deer, still very much alive, jumped to its feet. The startled hunter grabbed the buck by the tail and hung on while the animal went bounding through the woods.

At this point another hunter shot and killed the deer. The question then arose as to who owned the dead animal. It was decided the second hunter had "legal" possession since the first hunter's possession was not the kind that is permanent.

The law in all the states is that a wild animal belongs to the hunter if he lawfully reduces it to possession. This includes wounding it or ensnaring it so as to prevent its escape or if the circumstances are such as to make its escape impossible or unlikely.

This means that if you shoot or trap game *legally*, you

are the rightful owner. Further, even though the game is not actually reduced to physical possession, if you have it cornered, it belongs to you although another hunter does the actual killing.

However, if you are merely tracking a wild animal, and have been on its trail for a long time and even flushed it out into the open, another hunter can step in and kill it and thereby acquire a property right in the game. This is true unless you have it in a situation where it cannot escape or if you have mortally wounded it.

The question arose in an Ohio case a few years ago as to whether the owner of a fish net, left in Lake Erie for many days, had title to the fish in the net. The other side contended that the fish had not been reduced to possession since the net was a funnel affair and the fish could still escape through the narrow opening.

The court stated that "the law does not require absolute security against the possibility of escape," and decided the owner of the net had acquired title as soon as the fish swam into the net.

Game, then, can become property when it is legally reduced to possession. As property it may be the subject of larceny, conversion or a replevin action. It is personal property as much as your money, automobile or motorboat. You must keep in mind, however, that even though you have acquired a property right in the game, its disposition is still subject to state regulation. For example, it is illegal to sell the carcass of a game animal in most states.

Landowner's Title to Game

The question often arises as to what property rights the owner of land has in wild game found on his property. Since all wild game belongs to the state which holds it in trust for its citizens, why can't a citizen go on anyone's land and reduce the game thereon to legal possession?

The law operates on the theory that the owner of land

has a qualified property right in all the game on his property. This means that he has the right to such game subject to regulations as made by the state. No other person may go on the landowner's property and take game without his permission. If the hunter or fisherman does so, he does not acquire a property right in such game since he is taking it illegally.

Title to Captive Game

If your state has not passed a law in regard to capturing and keeping wild animals you may acquire property rights in such an animal as long as you keep it under your control. In the absence of a specific statute, you become the owner of the animal even though you are unable to domesticate or tame it.

Due to many unpleasant experiences with so-called "tame" wild animals, most states have passed laws either forbidding their being kept as pets or requiring a special permit.

These states have enacted legislation concerning the capturing and keeping of wild animals as pets. Those not listed have not included such laws in their Hunting and Fishing Regulations:

Arizona, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia and Wisconsin.

As soon as such a wild animal, captured and kept by you in accordance with the law in your state, escapes from your control, you have lost title to it. It again becomes property of the state held in trust for its citizens.

Exceptions

The exceptions to this rule are:

1.) When the wild animals have become so tamed or domesticated that they have lost their disposition to escape;

2.) When such wild animals are out of their natural environment.

The classic example to the first exception is the Illinois case which came up when buffalo were still roaming the plains. Although the case is old, it illustrates the law as it is today.

A ranch owner had raised a buffalo since it was a calf. It was completely domesticated and usually grazed in the field with the owner's other cattle. It learned to come at a gallop when its master whistled for it.

A hunter came along and shot the buffalo while it was out on the prairie. He claimed that it was a wild animal since it was not under the owner's immediate control. However, the court decided the hunter was in the wrong since "the buffalo was tamed and therefore the subject of property."

The rule is then, when certain wild animals such as canaries, geese, ducks, parakeets or deer have become completely domesticated, they are no longer considered to be wild animals. They are not the property of whoever reduces them to possession if they have escaped from the first owner.

The second exception where a wild animal which has escaped from captivity does not become the property of the finder is when an animal is taken away from its natural habitat and then escapes.

A case illustrating this exception occurred in Colorado when a silver fox escaped from a ranch where they were raised and bred for commercial purposes. A hunter shot it and claimed its valuable pelt under the theory that it was a wild animal and therefore the subject of property when he took possession of it.

The court held that the hunter acquired no property

right in the fox since silver fox are not native to Colorado. The court stated:

"We are loath to believe that a man may capture a grizzly bear in the environs of New York or Chicago, or a seal in a millpond in Massachusetts, or an elephant in a cornfield in Iowa, or a silver fox on a ranch in Morgan County, Colorado and snap his fingers in the face of its former owner whose title had been acquired by a considerable expenditure of time, labor and money."

The law therefore, is that a captured wild animal, in a strange surrounding, belongs to its original owner even though it escapes and roams the fields for a time before someone captures it. When an Ohio farmer found a python in his backyard and reduced it to possession a few years ago, even though it was a wild animal, the law required him to return it to the local zoo. Such wild animals in the ordinary course of events, do not belong in the local Ohio wildlife scene.

Where a state has enacted a specific statute to cover escaped animals, of course that law is the one which must be followed.

An example of this is the law in Alaska. Here animals which have escaped from captivity and which are not recaptured within a period of 30 days after discovery of the escape, are deemed to have reverted to a natural and undomesticated state. They then may be reduced to possession by whoever lawfully recaptures them.

Chapter 3

INTERPRETING THE REGULATIONS

Local Laws Vary

It is obviously an impossible task to enumerate all the regulations enacted by all the states concerning hunting. Of necessity these local laws are many and varied because each state must contend with local conditions. However, the question often arises as to how to interpret the particular regulations which are in force in a certain state.

For example, what do they mean by *possession*? Does this mean possession of the whole animal, its hide, or various parts of the carcass?

It's always wise to know the regulations in your state by studying a copy of the hunting laws which you will receive when you purchase your hunting license. This chapter will help you to *understand* some of these laws without telling you precisely what they are in your particular state.

Possession

Although some states interpret possession to mean physical possession of parts of the carcass of a game animal, ordinarily possession of such parts as hair, hide, heads or antlers does not constitute an offense. It depends on the wording of the law in your particular state. If it does not specifically spell out that *parts* may not be in possession, it means the whole carcass. Further, in those states where possession of parts of a game animal is as unlawful as possession of the whole animal, this does not apply to parts that have been stuffed and mounted.

The following states have passed specific laws making it illegal to have in possession any part of a game animal

when it would be illegal to have the whole animal in possession:

Alabama, Alaska, Colorado, Delaware, District of Columbia (illegal to hunt at any time and to have any deer meat in possession between January 1 and September 1 of any year), Florida (illegal to have skins, eggs or teeth of alligators in possession at any time), Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin and Wyoming.

EVIDENCE OF SEX: Most states that limit the shooting of deer (and in some states other particular game animals) to males, make it illegal to have a deer carcass in possession where the evidence of the deer's sex has been removed. This may mean horns, antlers, or other evidence of sex.

An interesting case arose in Louisiana recently where the law makes it an offense for a hunter to have a "fawn" in his possession. The law defined "fawn" as a deer with horns less than three inches long.

The defendant in this case shot a full grown deer which, through a quirk of nature, had no horns whatsoever. The court, taking judicial notice that nature sometimes violates its own laws, held that this animal was not a "fawn" and found the defendant not guilty.

In these states it is illegal to have a deer (or other animal where hunting is restricted to males) carcass in your possession with evidence of its sex removed:

Alabama, Alaska, Arizona, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Louisiana (if evidence of sex is not retained, this is considered *prima facie* evidence that the venison was from a female deer), Maryland, Michigan, Minnesota, Montana, New Jersey, New York, North Da-

kota, Oregon, South Carolina, South Dakota, Texas, Utah, Vermont, West Virginia and Wisconsin.

ACCIDENTAL POSSESSION: Suppose you happen to be driving along a country road at dusk and a deer suddenly leaps out of the underbrush in front of your car. The question of whether or not you may retain possession of the carcass depends on the state you're in.

If the law in your state specifically spells out that lawful possession of a deer's carcass can only be acquired by certain means and does not include striking with an automobile as one of those means it is unlawful to take possession of a deer killed in such manner.

Most states provide that deer so killed remain the property of the state which turns the meat over to a charitable institution. Ohio recently passed a law which permits a resident to retain possession of such accidentally killed carcass provided a game warden is notified of the accident within 24 hours.

In Maine the law allows the driver to keep the carcass if a report is made to the Game Warden and if the car itself sustained any damage.

In Tennessee whether the driver takes possession of the carcass or not, he is subject to a penalty if he fails to report such accident to the Game Warden.

If the law in your state prohibits the possession of a live game animal without a permit, this does not mean that you cannot take home an *injured* animal and attempt to nurse it back to health. You must be certain that it has actually sustained an injury and is not merely scared or nervous because of your presence.

Sunset and Sunrise

When your state regulations permit you to hunt "until sunset", this does not mean the solar sunset, since this cannot actually be determined except by scientific observations. The courts interpret "sunset" as that time when the hunter, in his honest judgment, believes that the sunset has actually occurred.

Some states, however, to relieve the hunter of the burden of figuring out exactly when sunset and sunrise occur, have listed the official sunsets and sunrises for each day of the hunting season. Other states give specific hours for hunting.

These states enumerate official sunrise and sunset in their regulations:

Connecticut, Maryland, Minnesota, New Hampshire, North Dakota, Tennessee, and Wisconsin.

In Maine the regulations prescribe official sunrise and sunset as that set out in the Maine Farmers Almanac.

In Michigan, New York and Vermont the hunting laws do not deal with sunrise and sunset. These states give specific hours during which hunting is legal.

Exceptions to Game Laws

CAPTIVE ANIMALS: Most state statutes specifically exclude the owners of farms where game animals are raised, usually fur-bearing animals, from game laws. The owner in these instances is permitted to kill such animals at any time. These laws require the farm owner to obtain a special game breeding permit. The law also makes it necessary to use the farm exclusively for such purpose.

In an Ohio case a few years ago, the owner of a muskrat farm was charged with violating the statute since he allowed a duck hunting club to hunt on the farm. However, the court held that the farm was still being used exclusively for raising muskrats since the duck hunting was only a secondary or incidental use.

If you keep wild animals, lawfully taken, in an enclosure for zoo purposes or as pets, you may also kill them when necessary for any reason without violating the law, unless your state statutes specifically forbid this.

Most states frown on the keeping of wild animals as pets because of many sad experiences where a "tame" deer goes berserk, or a pet squirrel bites someone's finger. In any case you must obtain a permit to keep wild game in

captivity, a requirement that is strictly and closely regulated in all states.

DEFENSE OF PROPERTY: In most states you are permitted to kill wild animals, regardless of season or regulations, when they are destroying your crops, fruit trees or other property. This is also closely regulated in most states. Some states require a permit before such killing. Others ask you to fill out a report afterwards. In many states the government takes responsibility for such damages and will settle with the landowner on proper application.

However, in any case, the injury to your property must be considerable. Also you must have tried all other lawful means to get rid of the interlopers. Only then, the law says, you are justified in killing such animals contrary to the game laws. You can only use such force as is reasonably necessary and suitable to protect your property.

This exception does not hold true in all states. In New York, for example, the courts feel that you should fence in your property to protect it from wild game.

Of course you are legally justified in killing game at any time when this is necessary to protect your person from such wild game.

OWNERS OF LAND

Where the state law makes it unlawful to take certain game except during season, this law is generally held to apply to an owner of land as to game which is on his land. It also applies to anyone who hunts on the owner's land by invitation.

The law in all states is that the owner of land, his spouse, children and tenants may hunt and fish on such land without a hunting or fishing license during season. This ordinarily applies only to regular licenses, however.

For example your state may require a special permit to hunt antlerless deer and a regular license to hunt other deer. On your own property you could kill a buck during

season without a license. However you would need the special permit for the antlerless deer.

Licenses

There is nothing as individual about a state as its requirements for hunting and fishing licenses. The laws are many and varied.

For example some states require the hunter or fisherman to display his license so that it is visible from a distance. A few states exempt servicemen from purchasing any licenses. Others consider them to be residents of the state where they happen to be stationed.

The law distinguishing between residents and non-residents for the purposes of purchasing hunting and fishing licenses generally reads as follows in all states:

"A resident is a person who is at the time and who has continuously for a full period of —months previous to the date of application, resided in this state."

Chart 1 sets forth the requirements to be eligible for a resident hunting or fishing license in the various states.

CHART I

STATE RESIDENCE REQUIREMENTS

	<i>Must Live in State For</i>	<i>Servicemen on Duty in State Deemed Resident</i>
Alabama	6 months	No
Alaska	12 months	**
Arkansas	6 months	**
California	6 months	Yes
Colorado	1 year	Yes
Connecticut*	**	Yes
Delaware	1 year	**
Florida	6 months	Yes
Georgia	**	**

* See footnotes on page 26

	<i>Must Live in State For</i>	<i>Servicemen on Duty in State Deemed Resident</i>
Idaho	6 months	No
Illinois	6 months	Yes
Indiana	6 months	No
Iowa	**	No
Kansas	60 days	Yes
Kentucky	1 year	No
Louisiana	6 months	No
Maine	3 months	Yes
Maryland	6 months	No
Massachusetts	6 months*	Yes
Michigan	6 months	Yes
Minnesota	6 months	Yes
Mississippi	6 months	No
Missouri	3 months	Yes
Montana	6 months	Yes
Nebraska	90 days	Yes
Nevada	6 months	Yes
New Hampshire	6 months	Yes
New Jersey	1 year	Yes
New Mexico	6 months	Yes
New York	6 months	No***
North Carolina	6 months	Yes
North Dakota	6 months	No
Ohio	6 months	No***
Oklahoma	60 days	No
Oregon	6 months	Yes
Pennsylvania	60 days	No
Rhode Island	1 year	Yes
South Carolina	**	Yes
South Dakota	6 months	Yes
Tennessee	90 days	Yes
Texas	6 months	No
Utah	1 year	Yes

* See footnotes on page 26

	<i>Must Live in State For</i>	<i>Servicemen on Duty in State Deemed Resident</i>
Vermont	6 months*	Yes
Virginia	12 months	**
Washington	6 months	Yes
West Virginia	1 year	No
Wisconsin	1 year	No
Wyoming	1 year	No****

* Non-resident may purchase resident license if he owns property in the state having a tax valuation of \$1000 or more.

** Not in Regulations.

*** No license required of any servicemen even though not considered residents.

**** A special hunting and fishing license at a lower rate than non-resident is offered to servicemen stationed in Wyoming at least 35 days. This law requires that 90% of such licenses are to be issued to non-commissioned members of the armed forces.

Chapter 4

MORE REGULATIONS

Miscellaneous Provisions

All state laws specify methods which are illegal for the taking of game. For example ferrets may not be used for hunting purposes in Ohio and many other states. Most states make it a crime to carry a loaded gun in your car.

Night hunting is prohibited in all states except for raccoon and other nocturnal animals during season. This is the only time a light may be used for hunting.

In those states where the use of a ferret is illegal, mere possession of such ferret in the field during hunting season is a violation of the law. Where it is a crime to carry a loaded gun in your car, this means that even though no cartridges are in the barrel but merely in the magazine, you have violated the law.

If your state law forbids the sale of lights which could be used for night hunting, this means a specific rig for such use. The lights in themselves are not unlawful.

In some states, such as Maine, it is unlawful to hunt from a boat at night. Under such regulations you may transport your boat at night over forbidden waters even though this is for the purpose of hunting elsewhere.

The Migratory Bird Law

Under this act, entered into between the United States and Great Britain and in 1936 amended to include Mexico, it is illegal to hunt migratory birds except as provided by the Act.

The law has been held to apply even though the violator had no guilty knowledge or intent to violate the law. If the circumstances clearly show the violation was an innocent one, this is taken into consideration in meting out punishment.

BAITING: Under the Act it is illegal to bait any area with grain or any other feed which would lure waterfowl included in the Act, to the spot. This means that birds cannot be lured either directly or indirectly. By indirectly it is interpreted to mean that you cannot spread grain or feed either directly in front of a blind or over a wide area. Further, it is prohibited by this law to spread such bait in a hunting area before the season opens to keep birds in the vicinity after opening day.

HUNTING FROM POWERBOAT: The Act provides that it is unlawful to hunt any of the birds included from a powerboat. In a particular case a hunter was removing his outboard motor from a boat when a flock of mallards suddenly appeared. He dropped the motor back in place, grabbed his shotgun and blazed away.

The court found him guilty of violating the provisions of the Act. However, his lack of intent to violate the law was taken into consideration in assessing the fine.

STATE LAWS AND THE ACT: The Migratory Bird Act does not prevent a state from enacting legislation with reference to migratory birds as long as such legislation is not inconsistent with the federal law. The federal government may, with consent of the state, establish a game refuge and prohibit all hunting in that area. This is because the government's power to prohibit the hunting of migratory birds is not confined to those lands over which it has title.

In brief these are the federal regulations to date under the Migratory Bird Act:

1.) Waterfowl may be hunted with bow and arrow or with a three-shell capacity shotgun not larger than No. 10

guage, fired from the shoulder. The plug in repeating shotguns must be incapable of being removed without disassembling the shotgun.

2.) A federal duck stamp, obtainable from any post office (cost \$3.00) is required for hunting migratory waterfowl.

3.) Baiting of waterfowl is prohibited.

4.) The use of live decoys, sinkboxes, or batteries, boats or floating devices propelled otherwise than by hand, or the use of cattle in hunting waterfowl is prohibited.

5.) Waterfowl may be shot from a craft having a motor attached if such craft is fastened within or tied immediately alongside any type of stationary hunting blind.

Free Hunting Licenses

Some states have set a minimum age at which a hunter is required to purchase a license. Many require a certificate of competency in the use of firearms before persons under a certain age may be permitted to hunt. Most states issue complimentary licenses to old-time residents of the state.

Chart 2 shows in which instances licenses are not required or where they are issued free or at a nominal charge. It must be remembered that this chart only applies to residents of the state. Minimum ages for non-residents vary in each state.

CHART II

CONDITIONS UNDER WHICH NO HUNTING LICENSE REQUIRED IN EACH STATE

Not Needed if You Are

Alabama	Under 16
Alaska	Under 16
Arizona	Under 14; over 70 and a resident 25 years
Arkansas	Under 16

California	A veteran with a 70% disability
Colorado	Under 14 or under 16 and are hunting small game
Connecticut	Under 16 (Hunting prohibited under 12)
Delaware	Under 15 and accompanied by a licensed hunter
Florida	Under 15; over 65
Georgia	Under 16; over 65
Idaho	Under 14; over 70. (Hunting prohibited under 12)
Illinois	No minimums in Regulations
Indiana	No minimums in Regulations
Iowa	No minimums; a serviceman during war-time
Kansas	A resident over 70 -
Kentucky**	A resident 65 or over
Louisiana	Under 16; over 65 and a resident 2 years
Maine	Under 17; (Hunting prohibited under 10)
Maryland	A veteran in a local V.A. hospital
Massachusetts	Under 15 (Hunting prohibited under 12); over 70
Michigan	No minimum in Regulations (Hunting prohibited under 12)
Minnesota	Under 16; resident serviceman on leave; resident under 12 for small game if accompanied by adult; between 12 and 16 and possess a Firearms Safety Certificate.
Mississippi	Under 15; over 65
Missouri	No minimum in Regulations
Montana	No minimum in Regulations (Hunting prohibited under 12); 70 or over
Nebraska	Under 16; totally disabled Veteran resident
Nevada	Under 16; serviceman home on leave; (Hunting prohibited under 12 and under

* See footnotes on page 32

	14 for big game without presence of parent or guardian.)
New Hampshire	Under 16 (must be accompanied by adult); serviceman resident
New Jersey***	No minimum age in Regulations; (Hunting prohibited under 14); serviceman resident
New Mexico	No minimum age in Regulations
New York	No minimum age in Regulations; (Hunting prohibited under 14); servicemen
North Carolina	Under 16
North Dakota	No minimum age in Regulations (Hunting prohibited under 14 for big game)
Ohio	No minimum age in regulations; servicemen
Oklahoma	Under 16; servicemen on leave; persons 65 or over; veterans with 60% disability
Oregon****	Under 14; (veterans with 25% disability pay 50c)
Pennsylvania	Under 12 if accompanied by adult; (otherwise under 16 prohibited from hunting); disabled veteran (in limb)
Rhode Island	Under 15; over 65 (pay 25c fee)
South Carolina	Under 12; servicemen on leave
South Dakota	Under 16 if accompanied by licensed parent or guardian
Tennessee	Under 16; 80% disabled veteran; 70 or over
Texas	No minimum age in Regulations; (Hunting prohibited under 17 except in own county) servicemen on leave; over 65
Utah	No minimum age in Regulations; (Hunting deer prohibited under 16, all hunting prohibited under 14, special license for 14 and 15 to hunt game birds when accompanied by adult)

* See footnotes on page 32

Vermont	No minimum age in Regulations
Virginia	No minimum age in Regulations
Washington	No minimum age in Regulations; resident veterans of Spanish-American war; resident 5 years or more, over 65, have service-connected disability and are honorably discharged veteran
West Virginia	Under 16; (Hunting under 15 prohibited unless accompanied by adult); resident servicemen on leave
Wisconsin	12 to 16 years of age and accompanied by adult
Wyoming	Under 14 for game animals and under 12 for game birds; (Hunting prohibited under 12 unless accompanied by adult)

* Against the law to hunt big game if you are under 18.

** A special Junior License may be purchased if you are under 16.

*** Children under 10 may hunt with a special gunning permit when accompanied by adults.

**** Everyone must purchase a license for hunting deer, elk or antelope.

Chapter 5

TEACH YOUR DOG THE LAW

Dogs and Game Animals

If you happen to belong to that class of hunters who seldom, if ever, take to the field without your setter, springer, beagle or other canine companion by your side, this chapter is for you. There are many regulations, laws and lawsuits involving man's best friend. You should be familiar with your legal obligations and responsibilities as the owner of a gun dog.

In all states except two, it is illegal to hunt deer with dogs or to permit deer hounds to run at large in a locality where deer are usually found.

The exceptions are:

- 1.) Louisiana where the regulations specify that dogs may be used for the taking of game quadrupeds.
- 2.) California where the law allows a maximum of one dog per hunter.

Many states make it mandatory that game wardens kill a dog which is pursuing or killing deer and provide that the owner of such dog cannot maintain an action for damages against the game warden.

These states have passed such laws:

Alaska, Georgia, Louisiana (out of season), Maine, Michigan, Minnesota, New Hampshire, North Carolina, Oregon, Pennsylvania and Vermont.

In Nevada a hunter may be accompanied by a dog while deer hunting provided the dog is not a deer hound. Further, the dog must not be used for trailing, tracking,

flushing or pursuing an unwounded deer. However, such dog may be used in tracking, trailing and bringing to bay a *wounded* deer. In any case the hunter must obtain a special permit from the county board to take his dog along deer hunting.

In Minnesota and South Dakota the regulations make it unlawful to import a dog into the state unless a certificate of health for the dog has been issued by the state.

In North Dakota game regulations prohibit "bird dogs" from running loose. The law lists those dogs which it considers "bird dogs" but does not include spaniels. In a recent case there, it was held that the use of a spaniel to retrieve birds, not to flush them, was not a violation of the statute.

Training Your Dog

Generally you are permitted to train your hunting dog afield out of season provided it is done in such a way that any game the dog might scare up will not be injured or killed. However, you must check the specific regulations in your particular state. If your state prohibits field training of dogs during closed season, of course the general rule does not apply.

In all states that permit training your dog during the closed season further provision is made that no firearms be carried while in the field. The exception is usually made that blank revolvers incapable of firing a bullet may be carried during such training period.

Chart 3 lists those states in which special laws have been passed concerning the training of your dog during closed seasons.

CHART III

DOGS MAY BE TRAINED DURING CLOSED SEASONS IN

Alabama	except bird dogs from March 25 to October 1
Arizona*	
Arkansas*	
California	only from July 1 to March 31
Colorado	except in April, May, June and July; a permit is needed
Connecticut	only in certain areas
Delaware	except in March, April, May, June, July and August
Florida	only in certain areas
Georgia	only with special permit
Illinois	except from April 1 to September 1
Indiana*	
Iowa	except from March 15 to July 15 for bird dogs and 30 days before coon season for other dogs
Kansas*	
Kentucky*	
Louisiana*	
Maine	only from September 1 to October 15
Maryland	only from September 10 to March 1
Massachusetts	except during deer season
Michigan	only in certain areas
Minnesota	except from April 16 to July 14
Mississippi	only bird dogs from September 1 to April 30
Missouri	
Montana*	
Nebraska	except from April 1 to July 15
Nevada	only from July 1 to March 31
New Hampshire	
New Jersey	except during deer season

New Mexico*	
New York	from August 1 to April 1 only
North Carolina	only clubs and similar associations by permit
North Dakota	except illegal to train bird dogs from January 1 to August 1 (retrievers excepted)
Ohio	
Oklahoma	
Oregon*	
Pennsylvania	only from August 1 to March 31
Rhode Island*	
South Carolina	except only from September 1 to opening day in Zone 1
South Dakota*	
Tennessee	
Texas*	
Utah*	
Vermont	only from June 1 to October 1
Virginia*	
Washington*	
West Virginia	except from May 1 to August 15
Wisconsin*	
Wyoming*	

* No provision in hunting regulations concerning training of dogs.

Trespassing Dogs

What happens if you send your dog on another's land to chase up game or to retrieve game you have shot? As the dog's owner are you liable for trespass? The law is that although a hunter's trespass may be made a crime by the laws of the individual states, he has not committed such a crime by making his dog the trespasser.

Further, the landowner is not justified in killing or in-

injuring a dog (unless the state statute otherwise provides) merely because the dog trespassed on his land. However, if the dog is worrying, chasing, or frightening the landowner's domestic animals such as sheep or chickens, the owner may then act.

The law states that in such case the landowner is justified in killing the dog, provided he has tried all other means available at that time to chase the dog from his property.

In a Vermont case a few years ago, the court held that a landowner was not justified in killing a dog to protect wild deer on his land. The landowner, as a citizen of the state, had no such property right in wild deer as would allow him to use this means of protecting the deer.

You are not liable in damages to the landowner for the mere trespass of your dog. The courts take the position that it is not the habit or nature of a dog to consume or destroy crops or herbage. Therefore you couldn't be expected to know they would do such damage. However, if you accompany the dog and you are both trespassers, then you are liable for any damages your dog might cause.

If you are a landowner and your dog inflicts injuries on other trespassing dogs, cattle or other animals, as a general rule you are not responsible or liable for the injuries. This is, however, subject to many qualifications. For example, your dog's temperament and reputation may be a factor. Local ordinances may be involved. If the question arises check the local laws with your own attorney.

Property Rights in Dogs

Dogs are considered to be personal property. If someone kills or injures your dog, you have a right to sue for the amount of money the dog was worth. This is true even though the injury or death of the dog was unintentional or accidental.

In Vermont a hunter was held liable for shooting a hunting dog which he thought was a fox. A hunter in Il-

linois shot and killed a pointer under the mistaken belief that it was a wolf. He had to pay full damages. In Rhode Island a farmer fired a gun at a trespassing beagle merely to scare it off his property. He accidentally shot too close and killed the dog. The court held that he was legally responsible in a suit for civil damages.

The Hunter and His Dog as a Unit

As discussed in Chapter 2, a hunter acquires a property right in game which he has wounded as long as he maintains a "hot" pursuit of the animal. The courts have extended this rule to include the hunter's dog under the theory that they are acting together as a single unit.

Therefore the dog's pursuit of a game animal is considered to be the hunter's pursuit for the purposes of determining property rights in the wounded animal. However, if you give up the chase but your dog or dogs continue and eventually corner the wounded animal you have not acquired any right to that game. Another hunter may legally shoot the animal cornered or treed by your dogs and get a valid title to such game.

Chapter 6

YOU AND THE LANDOWNER

Liability For Trespass

Since the great outdoors is now mostly divided into lots, farms and ranches with fences, hedgerows and other indications of private ownership, you as a hunter should be well aware of your legal responsibilities towards the landowner.

Besides becoming involved in a civil lawsuit for damages as the result of a trespass on private land, in many states you commit a criminal offense by hunting on another's property. A few states make it illegal only if the property is posted and some require that the land be occupied or enclosed.

Chart 4 lists those states which have made it unlawful to hunt on private property without permission from the landowner. In the remaining states it is not a crime to hunt without the landowner's permission although, of course, you are still liable for damages as a trespasser to the landowner.

CHART IV

UNLAWFUL TO HUNT ON PRIVATE PROPERTY WITHOUT PERMISSION FROM THE LANDOWNER IN

Alabama	except at night for fox or coons with dogs
Arizona	only when property is posted
Arkansas*	

Colorado	
Connecticut	
Delaware	
District of Columbia**	
Florida	
Georgia	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Maryland	only when property is posted
Massachusetts	only when property is posted
Michigan	
Minnesota	only when property posted or oral notice given
Montana	only when property is posted
Nebraska	
Nevada	only when property posted or else oc- cupied
New Hampshire	only when property is posted
New Jersey	only when property is posted
New Mexico	only when property is posted or enclosed
New York	only when trespasser refuses to leave after being asked by landowner
North Carolina	only when property is posted
North Dakota	only when property is posted
Ohio	
Oklahoma	only if complaint made by landowner and if property posted when the owner is not residing on the land
Oregon	only on cultivated or enclosed land and on complaint of the owner
Pennsylvania	only if property is posted
South Carolina	only on enclosed property

South Dakota

Tennessee

Texas

Utah only when property is posted

Vermont only when property is posted

Virginia

Washington*

West Virginia only when unenclosed property is posted

Wisconsin*

Wyoming only on enclosed land

* Nothing in regulations concerning trespassing on private property.

** Trespassing on private property which is posted is a crime in the District of Columbia although there is no hunting season.

Every landowner has the right to kill game on his own land subject to the regulatory power of the state. He is said to acquire a property right in the wild animals on his land by reason of his ownership of the soil. Consequently the state cannot issue a license authorizing anyone to hunt on another's land without his permission.

What is a Trespass?

An unusual situation arose in South Carolina where it is illegal to hunt on enclosed property without the owner's permission. In this particular case the land was enclosed only on three sides. A deep, navigable stream made up the fourth side of the property. The court held, however, that the stream was equivalent to a fence and the trespasser was found guilty of violating the law.

The landowner not only has the right to keep you from hunting on his property, he also has the right to keep you from trespassing in the airspace above his property.

For example in a famous Montana case, duck hunters made it a practice to shoot over the plaintiff's marsh and

bring the ducks down before they could land in the marsh. The court decided that the hunters were technical trespassers "since the airspace above the marsh, especially near the ground, is almost as inviolable as the soil itself."

Suppose you shoot a duck which has enough momentum so that it falls on private property? Are you permitted to trail a wounded buck or other game animal onto someone else's land?

Generally, in the absence of a specific statute to the contrary, you must first get the landowner's permission. Failure to do this will make you a trespasser even though you may have the right to keep the game you shot.

One such statute is North Dakota's which reads: "Any person may enter upon legally posted land to recover game shot or killed on land where such person had a lawful right to hunt."

It is also considered trespassing if a hunter intentionally scares game from private property either by making noise or by any other means. However, if you happen to own land adjacent to natural cover where game is in the habit of congregating, you may take all the game (within legal limits) that you want when such game happens to come on your own property. The owner of the natural cover cannot complain that you are lessening the supply of game on his land.

What is an Owner?

Where your state statute makes it unlawful to hunt on the land of another without first obtaining permission from the owner, this means the true owner. A tenant of land, even though he has exclusive possession, charge and control of the land is not considered in the law to be the one from whom you must obtain such permission.

You may acquire the right to hunt on another's land by obtaining his permission; by leasing property with the right to hunt included in the lease; by selling your prop-

erty and reserving the right to hunt thereon for yourself and your heirs.

The right to hunt by grant or lease does not give the lessee or grantee the power to issue permits to others. Of course if such right is included in the transaction, it is then valid to issue permits to others.

As mentioned before, the owner of land has a qualified property right in all game on his property. This means that it cannot be taken from him even though there is no trespass involved.

This point was illustrated in a Minnesota case where a highway passed over the landowner's property. Hunters, without trespassing, shot game on the private property and sent their dogs in to retrieve it.

The court decided this was a serious impairment of the landowner's hunting rights and issued an injunction forbidding the hunters from shooting into the private property. The court stated that the right to travel over the highway does not give the right to hunt as an incident thereto.

In all states laws have now been passed making it illegal to shoot on or near a public highway. The Virginia law states that it is illegal to shoot within 100 yards of a highway, but only in certain areas.

What is Public or Private

The law is clear in the United States that the right to hunt on public lands belongs in common to all members of the public. Therefore a private person can never claim an exclusive right to hunt or take game on any part of such public land or water.

However, the problem sometimes arises as to whether the land or water in question is public or private. For example, what if a navigable stream (public water) passes through private property. Can you hunt from a boat on such stream?

The test is not whether the stream or river is navigable,

but who owns the soil underneath the water. The law is that if a navigable stream or river runs through private property, the owner has the exclusive right to hunt or trap on such stream.

In other words, the mere fact that a person has the right to pass along a stream in a boat gives him no right to hunt or trap on that stream when the soil underneath the water is privately owned.

Respect Landowner's Rights

The law to remember in your dealings with the landowner is one which is strictly enforced in all states. This is the law of treating the property of others with respect at all times. Property rights are synonymous with freedom. They are carefully guarded by the laws of the United States. The hunter who is always conscious of the rights of others has no cause to worry about game wardens or lawsuits.

Here are some common sense laws to remember when you are the guest of a landowner and hope to return and hunt another day:

- 1.) Never break down or loosen fences.
- 2.) Don't tramp over newly planted fields or over crops.
- 3.) Always close all gates after passing through.
- 4.) Never shoot near barns, houses, buildings or cattle.
- 5.) Don't leave litter on the property.
- 6.) Don't "target" shoot on the property.
- 7.) Offer the landowner part of your "kill" when you leave.

Chapter 7

DON'T, "HUNT" FOR TROUBLE

Penalties for Gun Accidents

Of the more than 14 million Americans who buy hunting licenses each year, there are always some who live to regret their purchase and others who, unfortunately, are no longer here to regret it.

Analyses of hunting accidents show that in almost every instance carelessness was to blame for the wounding or killing which resulted. Safe hunting is not an unattainable dream but a worthwhile objective which the true sportsman can achieve by realizing his legal responsibilities when he has a gun in his hands.

That state lawmakers recognize carelessness as the major cause of hunting accidents involving firearms can be seen by the laws enacted in the various states punishing anyone guilty of such carelessness.

Chart 5 indicates the penalties for being involved in a gun accident or being careless in the use of firearms in those states where the punishment is listed in the hunting regulations. States not in the list may spell out such penalties in their individual Criminal Codes. In all cases there is always a possibility that the hunter may be tried under a criminal law for manslaughter where the accident is a fatal one.

CHART V

Penalties for Gun Accidents or Misuse of Firearms

ARIZONA: Not more than \$300 and six months in jail or both. License revoked for five years.

CALIFORNIA: If another is killed or wounded, the hunter's license may be revoked for life.

GEORGIA: Failure to report a gun accident will result in revocation of the hunter's license without a hearing.

MAINE: Not more than \$1,000 or not over 11 months in jail. License will be revoked for one year but may be reinstated on hearing.

MASSACHUSETTS: License revoked for one year and fine up to \$500.

MICHIGAN: License revoked up to three years for reckless use of firearms. For gun accidents, \$100 fine and 90 days in jail.

MONTANA: Not less than \$25 nor more than \$500 fine or six months in county jail or both. Hunting rights suspended for 16 months.

NEBRASKA: Anyone involved in a fatal hunting accident may not hunt in the state for a period of ten years.

NEW HAMPSHIRE: \$500 fine or 12 months in jail or both. License revoked for ten years. If the hunter abandons a wounded or dead person the fine is \$2000 and five years in jail or both and the hunting license is revoked for life.

NEW MEXICO: For reckless use of firearms the penalty is not less than \$25 nor more than \$300 and imprisonment not less than 30 days nor more than 90 days or both. If such carelessness results in injury to another, the hunter's license is revoked for ten years. If another is killed the law makes it mandatory that the hunter's license is revoked for life.

OHIO: Not more than \$100 or one year in jail or both.

- OREGON:** Not more than \$500 fine and not more than 6 months in jail or both. License forfeited for ten years.
- PENNSYLVANIA:** \$500 to \$1000 fine and two to five years in jail. The law provides that money so collected is awarded to the widow if there is a fatality.
- UTAH:** Subject to a license revocation of five years.
- VERMONT:** For carelessly and negligently wounding another, the penalty is not more than five years in jail or not more than \$1000 fine or both.
- VIRGINIA:** \$50 fine for hunting while under the influence of intoxicating beverages.
- WISCONSIN:** For failure to report a gun accident, the penalty is \$5 to \$5000 or ten days to one year in jail or both.
- WYOMING:** \$100 fine or 30 days in jail or both for hunting while under the influence of intoxicating beverages.

In most cases where the hunter's license is revoked, the mere fact that the hunter was involved in the accident is considered to be *prima facie* evidence of his carelessness. Sometimes, however, the court looks into the facts to see if there was *actual* negligence on the part of the hunter.

For example in a recent Pennsylvania case a hunter decided to change the polychoke on his shotgun. He pointed the gun skyward while twisting the adjustment. For some unknown reason the gun discharged and blew off the end of the hunter's thumb. The state game commission revoked his license by authority of a law which permits such action when a licensee invokes an injury on himself while hunting.

The hunter appealed his case and the higher court decided that he should have his license returned. The court said he was not negligent or careless to the degree that would warrant the punitive action of revocation of his license.

This is not usually the result, however, and if your state law allows the revocation of a hunting license because

of hunting accidents, you may be certain this will be the action taken in almost every instance.

Other Penalties

Exclusive of the penal provisions of the law, the person involved in a gun hunting accident is always faced with the unpleasantness of a lawsuit by the person he injures. Sometimes he faces the harrowing experience of a wrongful death action by the surviving spouse or next of kin.

Your legal responsibilities in actions of this kind are the same as for any other personal injury suit. The suing party must show that you were negligent or that you were guilty of wilful or wanton misconduct which resulted in the injury or damage complained of.

Preventing Gun Accidents

Your best insurance of course, is to take every precaution possible while handling guns. If an accident does occur, every safety measure you take minimizes your legal liability. The following are considered to be the Ten Commandments of Hunting Safety listed with the game laws of many states. Observe them conscientiously and you will have met your legal responsibility while handling firearms.

- 1.) Treat every gun with the respect due a loaded gun.
- 2.) Carry only empty guns, taken down or with the action open into your automobile, camp and home.
- 3.) Always be sure the barrel and action are clear of obstructions.
- 4.) Always carry your gun so that you can control the direction of the muzzle, even if you stumble.
- 5.) Be sure of your target before you pull the trigger.
- 6.) Never point your gun at anything you do not want to shoot.
- 7.) Never leave a loaded gun unattended.
- 8.) Never climb a tree or fence with a loaded gun.
- 9.) Never shoot at a flat, hard surface or the surface of water.

10.) Avoid alcoholic drinks before or during shooting.

Don't be guilty of contributory negligence by wearing clothing while hunting that can easily be mistaken for wild game. A white handkerchief has frequently been mistaken for a deer's tail. Some hunters shoot first and take a second look later.

Although New Hampshire is the only state having a law which prohibits the selling of a hunting license to a blind person, unfortunately many licensed hunters are not possessed of the keenest vision. To assist the eyesight of these people, some states have passed laws requiring hunters to wear certain easily distinguishable colors while hunting.

In Massachusetts during open season on deer all hunters *must* wear red or yellow material or clothing either on their heads, shoulders or back. In Tennessee hunters must provide and wear red caps or jackets during managed big game hunts.

In Minnesota the law states: "It is unlawful to hunt or trap in open deer territory during the deer season unless the visible portion of the hunting cap or jacket shall be scarlet or bright red or covered therewith and unless the hunting coat shall be scarlet or bright red or made of a material the area of which is at least 3/4 solid scarlet or bright red."

Montana law makes it illegal to hunt any big game animals in the state without wearing a cap or hat, shirt, jacket, coat or sweater of a bright red color. North Dakota law only requires the hunter to wear a red cap while hunting big game.

Similar laws have been passed in Utah, Wisconsin and Wyoming. In Wyoming you must wear a bright red handkerchief, not less than 18 inches square tied about your hat or cap.

PART II

YOUR LEGAL LIABILITIES FISHING

Chapter 8

INTERPRETATION OF STATE REGULATIONS

As a fisherman you are, of course, obligated to know the fishing regulations in the state where you happen to be fishing. A postcard or letter to the address listed in Appendix "B." under the state you're interested in will bring more information than you can use by return mail.

However, as in the hunting regulations, some fishing laws may be interpreted in various ways or are ambiguous. Generally, the same interpretations as applied to hunting laws can be used in deciding the meaning of particular fishing regulations. This is always in the absence of express statutory provisions to the contrary.

Therefore the same rules as to possession, sunrise and sunset and bag limit apply to fish as to animals unless the law specifically says otherwise.

When Are You "Fishing?"

Most states define "fishing" as taking, or attempting to take or assisting another in the taking of any fish by any means whatsoever whether the act or attempted act is successful or not. Some state laws do not actually define the term but imply its meaning indirectly by making it illegal to "take or attempt to take" certain kinds of fish at certain times.

The definition given by the court in a Pennsylvania case

can be applied to all situations. In the particular case where the question arose, the fisherman maintained that he was not actually "fishing" because he had not yet caught any fish. The judge then made this classic definition of the term:

"The operation begins the moment the hook or net enters the water, continues all the time it is in the water, and is consummated when it brings the denizen from the water . . .

"The operator is fishing when he drops the hook or places the net in the water, fishing while he leaves the device in the water, and still fishing when he pulls it out, regardless of results."

Despite your feelings to the contrary, as far as the law is concerned, the actual catching of fish is only incidental to the act. You are fishing the moment you wet the line.

Length Limits

Although some states such as Kansas, Kentucky, Mississippi, Ohio and Nebraska do not specify any minimum length for fish, many others do so without defining the method of measurement. In the absence of instructions in the regulations, measure your fish from the snout to the tip of the tail to be on the safe side.

These states specify that measurement for determining whether or not fish are within legal limits are to be made from the snout to the tip of the tail:

Arkansas, District of Columbia, Iowa, Maryland, Missouri, North Dakota, Rhode Island, Virginia and Wisconsin. (Wisconsin law specifies the measurement to be from the "snout to end of tail fin fully extended.")

In these states the fish is to be measured from the snout to the "fork" or "vee" of its tail:

Connecticut, and New York.

In states where legal minimums are enforced, it is illegal to mutilate a fish as by cutting off its head or tail while

in the field so that its measurements cannot be taken or its species identified.

In many states legal lengths vary from county to county or from lake to lake depending on the quantity of fish and the concentration of fishermen. Always carefully check the regulations for the particular water you are planning to fish.

What is a "Game" Fish?

Every state has regulations concerning the taking of game fish which do not apply to rough or noxious fish. What is considered a game or rough fish varies from state to state. Most states list those considered to be game fish and designate all others as rough fish.

For example the Georgia regulations list these as *game* fish: bass, bream, perch, crappie, trout, eastern pickerel, wall-eye pike and muskellunge. All other fish are considered rough.

In Kentucky on the other hand, the law defines *rough* fish as any fish other than black bass and crappie, jack salmon or wall-eyed pike, striped bass, sand pike or sauger and muskellunge, rock bass or goggle-eye and trout.

Sun fish, bluegills and other "pan" fish are considered game in some states and rough in others as are bullheads and catfish.

Although a Pennsylvania court defined "Game fish" as any fish the capture of which requires skill and affords sport, who can say whether or not a carp or sheepshead (usually considered rough fish) doesn't afford some sport and require some skill to land. As always, read the regulations in the area you are fishing.

Methods of Catching Fish

Even though most state laws specify that game fish may only be taken with hook and line using artificial or live bait, this may vary within the state in particular areas, lakes or streams. Some states allow trolling with or without

a motor. Some make trolling illegal altogether. Again this regulation may vary within a state.

For example on Pymatuning Reservoir in Ohio trolling is permitted with a motor at one end of the lake and illegal at the other.

Where a state regulation limits the number of hooks which may be used by one person, this refers to the number of separate hooks. In a recent New York case, for instance, the court stated that a triple hook having three hooks on it but only one shank and one eye must be considered as only one hook.

Of course if your state regulation specifically defines a triple hook as three hooks or otherwise makes its use illegal, there is no longer any question about whether or not it may be used.

It is illegal in all states to take game fish with a net in the absence of a special commercial or propagation license. The question of commercial fishing is not covered here although each state has numerous regulations on the subject.

Spear fishing as well as bow and arrow fishing is permitted in some states by special regulations. This is usually allowed only for rough or noxious fish. See Chart 7 in Chapter 15 for the regulations concerning the use of spears for fishing in the various states.

Taking of fish by dynamiting is illegal in all states and this has been held to include the use of any type of explosive charge whether specifically dynamite or not.

The use of poison and substances of a like nature have always been outlawed for fishing purposes. Special provisions in the law allow various State Game Commissions to use these otherwise illegal means of catching fish to rid certain waters of undesirable fish.

Licenses

All states require fishermen to purchase a fishing license unless they fall within certain categories. Chart 6 shows

the conditions under which it is not necessary to purchase a fishing license in the various states. These conditions only apply to residents of the state. For definition of "resident" in each state, see Chart 1.

CHART VI

FISHING LICENSE EXEMPTIONS IN EACH STATE

<i>Not Needed if Under</i>		<i>Other Exemptions</i>
Alabama	17	if over 65 (must pay 15c fee)
Alaska	16	
Arizona	14	blind persons; over 75 and resident 25 years
California	16	blind persons; recipients of State Old Age; disabled veterans
Colorado	16	one-half fee for females
Connecticut	17	blind persons
Delaware	17	no license required to fish tidal waters; females and children under 16 accompanied by licensed fisherman
Florida	16	no license required in your own county; if over 65
Georgia	17	if 65 or over
Idaho	15	blind persons; Civil and Spanish War veterans; those over 70
Illinois	16	
Indiana	18	
Iowa	16	recipients of Old Age Assistance
Kansas	17	if over 70
Kentucky	17	65 or over
Louisiana	16	servicemen; over 60 and a resident two years
Maine	17	
Maryland	17	

<i>Not Needed if Under</i>		<i>Other Exemptions</i>
Massachusetts	16	blind persons; over 65 and receiving Old Age Assistance
Michigan	17	
Minnesota	16	blind persons; recipients of Old Age Assistance
Mississippi	16	if over 65; in own county
Missouri	17	patients of veteran's hospitals except where daily fishing permit required
Montana	15	if 70 or over
Nebraska	16	recipients of Old Age Assistance; totally disabled veterans
Nevada	17	if over 60 and resident ten years
New Hampshire	17	blind persons; patients at veterans hospitals; if over 65; President and Vice-president of the United States
New Jersey	15	blind persons; servicemen
New Mexico	14	
New York	16	servicemen
North Carolina	17	
North Dakota	16	if 65 or older
Ohio	18	if 65 and receiving Aid for Aged; servicemen on active duty
Oklahoma	17	blind persons and whoever accompanies such blind person; if 65 or over; veterans with 60% or more disability
Oregon	14	blind persons
Pennsylvania	16	disabled veterans with one or more limbs missing or blind
Rhode Island	18	if over 65 (must pay 25c fee)
South Carolina	12	if over 65 and resident three years; servicemen on leave
South Dakota	19	patients in veteran's hospital
Tennessee	16	blind persons; 70 or over; 80% disabled veterans; servicemen on leave

<i>Not Needed if</i>		<i>Other Exemptions</i>
<i>Under</i>		
Texas	17	if over 65
Utah	12	blind persons; if over 65 (must pay 5c fee)
Vermont	16	
Virginia	16	
Washington	16	blind persons; resident veterans of Spanish-Americas war; if 65 or over and honorably discharged veteran with service connected disability and resident five years
West Virginia	16	blind persons; if 60 or over
Wisconsin	16	if over 65
Wyoming	14	if resident 20 years and over 65

The above regulations refer to fresh water fishing only. Many states do not require salt-water fishing licenses and some require them only in certain areas.

Chapter 9

LEGAL ANGLES OF ANGLING

Property Rights in Fish

The same general property laws apply to fish as to game animals. As long as they are unconfined in their natural state and have not been reduced to possession, they are not the subject of private property. Such fish are the property of the state which holds them in trust for the citizens of the state.

Although commercial fishermen, by contract with the state, may have the exclusive right to fish in certain waters, they have no property right in the fish in those waters until they have been reduced to possession.

The owner of the bed of a stream and the property on both sides of the stream has no property right to the fish in the stream unless the stream is so enclosed that the fish have no way of entering or leaving.

Fish in a private pond are considered to be personal property and can be the subject of attachment or a replevin action the same as any other personal property. The pond must be completely on private property and there must be no way for the fish to escape. In other words they must be under the complete control of the owner of the pond and the soil in which the pond is located.

In the absence of other facts, merely because a landowner's property surrounds water in which there are fish does not give him any property rights in those fish.

The Right to Fish

ON PRIVATE WATERS: The general rule is that the owner of land has the exclusive right to fish in waters on such land. The question sometimes arises when both sides of a navigable stream and its bed are owned privately as to whether or not the public (which has the right to boat on navigable waters) can fish such waters.

The answer is that the public does not have this right because the soil under the stream is privately owned. Any person who fishes on such waters is a trespasser and as such guilty of a misdemeanor in many states. Although the fisherman is a trespasser, in the absence of a statute to the contrary, he gets a valid title to the fish taken from such navigable stream. This is true because, although the landowner has the exclusive right to fish such stream, he does not own the fish in it unless, he has them completely under his control with no means of escape.

This does not hold true on a private pond where the trespasser gets no ownership in the fish he catches. Title to the fish in such cases remains in the landowner.

In a Texas case a few years ago, the question arose as to who is entitled to exclusive fishing rights in lakes created artificially by damming or other methods. The court decided the landowner had such exclusive rights in the waters above his submerged property.

ON PUBLIC WATERS: Generally, all members of the public have a common right to fish in public waters such as the oceans or other navigable or tidal waters (unless privately owned as stated above) and no private person can claim an exclusive right to fish those waters. Further, the right to fish on the high seas outside the jurisdictional limits of the United States is considered to be a right common to all mankind and cannot be restricted to any particular nation.

The right to fish in Lake Erie, Lake Huron, Lake Michigan, Lake Ontario and Lake Superior and in the connect-

ing bays of these lakes is considered to be as much a public privilege as the right to fish in ocean waters. However, each state has the power to protect and regulate fishing on these waters and does so through its Fish and Game Commission.

Riparian Owners

All states have enacted statutes concerning the rights of riparian owners on the banks of a stream. A riparian owner is a person owning property along any watercourse. His riparian rights become involved when persons similarly owning property either above or below him on the same stream interfere with some right he may have arising from his ownership of the bank on that stream.

In regard to fishing, the question of riparian rights arises when another owner of land along the stream dams it up either above or below the riparian owner and thereby prevents fish from moving up and down the stream past the owner's property.

In most states the person damming or obstructing the stream by any artificial means must construct fish ladders or chutes so that fish may pass up and down the stream around such obstructions. Failure to provide such chutes or ladders is a criminal offense in those states. In any case there is always civil liability to the riparian owner.

A riparian owner also has a cause of action for any interference with fishing in the stream such as poisoning of the water by chemicals, refuse or other substances which destroy fish.

The owner of land on the banks of a nonnavigable stream is considered to have the exclusive right to fish to the middle of the stream. Any interference with his rights as far as his property extends along the stream is a violation of his riparian rights.

Your Responsibility Towards Others

The same principles apply to fishing as to hunting when the question arises as to your liability towards others who

are injured by you while you are fishing. If you happen to hook into another fisherman on a backcast or get involved in any other kind of fishing accident, your legal liability will be governed by the amount of care you used in your activity.

If the evidence shows you were careless, with a total disregard of the rights of others, you will undoubtedly find yourself on the losing end of a lawsuit.

Obey the law of common sense and you'll never get hooked with a court summons.

PART III

YOUR LEGAL RESPONSIBILITIES AFLOAT

Chapter 10

RULES OF THE NAUTICAL ROAD

Which Rules Apply

Whenever you start out in your boat you are either on the navigable waters of your state or on the navigable waters of the United States. You may stay in these waters, go between them, or go out on the high seas.

It is important for you to know which waters you are sailing since each has its own set of boating traffic rules, commonly called Rules of the Road. Here's how you can decide which rules apply:

If the waters you're on *start and end* inside your state boundaries, these are navigable waters of your state and your state regulations apply.

If the waters start *or* end outside your state, if they touch another state or another country, if they empty into the ocean or join waters that run into another state, country or ocean, these are navigable waters of the United States and Federal regulations are used.

If the waters are open waters of the Atlantic or Pacific oceans or the Gulf of Mexico, they are considered to be the high seas and Federal regulations again apply.

General Traffic Rules

Generally these rules govern right-of-way on all waters to prevent collisions, subject to modification and adaptation for particular areas:

A boat having the right-of-way shall hold her course and speed, unless to do so would cause a collision.

A boat overtaking another must keep out of the way. This is the only time a sail boat must keep clear of a power boat.

Two power boats approaching each other headon must each alter course so as to pass portside to portside. Or they may pass to starboard provided notice of intention to do so is given well in advance of such a passing.

Any boat approaching you from two points abaft your starboard beam to right ahead has the right-of-way over you.

SIGNALS: One short blast of a horn or whistle indicates you intend to alter your course to starboard. Two short blasts mean you are altering your course to port. Three short blasts indicate your engine is going full speed astern. Four short blasts mean danger.

Cross signals are unlawful. The boat which whistles first gains the right-of-way over the other.

SAILBOATS: A sailing vessel with the wind aft keeps clear of all other sailboats. A sailboat which is close hauled has the right-of-way over one running free. When two sailboats are close hauled, the one with the wind on her port side keeps clear of the one with a starboard wind. When both have the wind on the same side, the one to windward keeps out of the way.

If both boats are running free with the wind on different sides, the one with the wind on her port side keeps clear. Whistle signals are never given by sailboats.

State and City Traffic Laws

Considering the rules at the beginning of this chapter, if you decide you're operating on navigable waters of a particular state you should know the boating laws for that state. These vary considerably in each state.

There are special laws for State Parks, streams, reser-

voirs and lakes. Write to the Department of Conservation in the state where you intend to do your boating for up-to-the-minute rules and regulations concerning boating in that area. See Chapter 12 for sample boating laws in each state.

Various cities have enacted boating traffic ordinances for waters within their jurisdiction which also must be observed. Check with the Chief of Police for local ordinances.

Federal Traffic Laws

If you're piloting your boat on waters under Federal jurisdiction you can tell what the proper boating laws are by referring to one of three pamphlets issued without charge by the United States Coast Guard.

These publications may be obtained by writing to the nearest District Office of the United States Coast Guard. Find the one closest to your city by checking Appendix "C."

The navigable waters of the United States and the high seas are divided into four distinct geographical areas. They are known as The Great Lakes, The Western Rivers, The Inland Waters and The High Seas.

GREAT LAKES: This includes the United States controlled segments of the Great Lakes and their connecting and tributary waters. Traffic laws governing this area are found in pamphlet CG-172 obtainable without charge as indicated above.

WESTERN RIVERS: This area includes the Mississippi River from the Huey P. Long bridge in New Orleans to its source and all waters flowing into the Mississippi or its tributaries; the Red River of the North below the Canadian border; that part of the Atchafalaya River which is above its junction with the Plaquemine-Morgan city alternate waterway; and all of the Illinois River below Lockport, Illinois. Ask for pamphlet CG-184.

INLAND WATERS: This includes all the navigable waters of the United States flowing into the Atlantic or

Pacific oceans, or the Gulf of Mexico which are not part of the Western Rivers. It also includes certain fringes of the Atlantic and Pacific oceans and the Gulf of Mexico. These traffic laws are covered in pamphlet CG-169.

THE HIGH SEAS: This is the area beyond the waters indicated above. In these waters many ships operate which are not familiar with traffic laws of the Inland waters. Therefore it is advisable to know the International Rules which apply here. These are a duplicate of the Rules of the Road used all over the world. They are found in CG-169.

Enforcement

State boating traffic laws are enforced by Game Wardens, Park Police or other designated persons within the state. City policemen have the power to see that city traffic laws are obeyed. Most states and cities regulating boat traffic have a "catch-all" law which imposes a heavy fine and sometimes imprisonment for reckless operation of a motorboat.

Under Federal law the Coast Guard is the traffic cop. Coast Guard officials themselves are authorized to impose fines up to \$200 for violations of the law when they do not consider the offense serious enough to be taken to court.

The Federal law states: "Any person who shall operate any motorboat in a reckless or negligent manner so as to endanger the life, limb or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction, shall be punished by a fine not exceeding \$2000 or by imprisonment for a term not exceeding one year or both."

Any citizen may file a complaint with the Coast Guard if someone is observed violating this law in waters under Federal jurisdiction. If the Coast Guard deems that property damages or physical injury are serious, they can then

make the arrest and have the violator brought before the court.

Definitions

Although most laws concerning boat traffic make it unlawful to operate in a *reckless* and *negligent* manner, there is sometimes a question of just what these terms mean.

These actions usually are included under such a law:

Excessive speed.

Overloading of boats.

Operating while under the influence of intoxicating liquors, drugs, etc.

"Buzzing" of other boats and bathers.

Certain water-skiing practices.

Riding the gunwales.

Proceeding into waters considered dangerous after a warning by the Coast Guard.

Standing up in a boat.

Failure to take reasonable precautions on the approach of bad weather.

The new Arizona boating law defines "careless operation" as being careless or heedless so as to be grossly indifferent to the safety of any person or property while operating any watercraft.

In Maine the law states that operating a boat at excessive speed and in a wanton manner is reckless operation.

South Dakota defines "careless operation" as operating any watercraft having an internal combustion engine carelessly or heedlessly or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

Chapter 11

EQUIPMENT REQUIRED BY LAW

If you are operating your boat on navigable waters of a state, the only way you can be certain that your boat is properly equipped is to once again consult the Conservation Department of that particular state.

Some states have enacted no legislation concerning boating equipment. Others, such as New Hampshire go into great detail as to specific equipment required. In Idaho, as another example, the law requires that a boat must be capable of floating when capsized or else be equipped with air tanks which will keep it afloat.

Operating a boat on navigable waters of the United States is a different matter. Under the Motorboat Act as amended in 1956, any boat less than 65 feet long, excluding tugboats and towboats is included if it is propelled by machinery. Boats covered in this Act are classified as follows:

Class A: less than 16 feet in length.

Class I: 16 feet to 25 feet long.

Class II: 26 feet to 39 feet long.

Class III: 40 feet to 64 feet long.

Lights

CLASS "A" AND CLASS "I": Boats in these classes are required to have a combination light in the forepart of the boat, showing red to port and green to starboard from right ahead to two points abaft the beam, visible for one mile. They must also show a white light aft, visible for two miles all around the horizon.

CLASS "II" AND CLASS "III": These classes of boats must exhibit a white light on the forepart of the vessel which shows an unbroken light over an arc of the horizon of 20 points of the compass, 10 points on each side of the vessel. They must also show a bright white light aft showing all around the horizon and higher than the white light forward.

On each side of the vessel a light must be exhibited (green to starboard and red to port) which throws an unbroken light over an arc of the horizon ten points of the compass to each side. These side lights must be fitted with screens to prevent their being seen across the bow. The white lights must be visible for two miles and the colored side lights a distance of at least one mile.

AUXILIARIES: All classes of auxiliaries when being propelled by sail alone must turn off their white lights but must have ready at hand a lantern or flashlight showing a white light which can be exhibited in sufficient time to avoid a collision.

DEFINITIONS: With respect to location of lights, "forward" means forward of the midlength measured from end to end of the hull over the deck excluding sheer. "Aft" is aft of the midlength.

"At the stem" and "at the stern" means as nearly as practicable at the stem and stern, respectively.

"Higher than" or "lower than" means at a higher level or lower level, respectively than another light under any normal condition of trim underway or stopped in smooth water.

Lights should not be obscured by moving objects such as sails, exhaust smoke, waves, the boat's wake or persons on board the boat.

There should be no interference with the boat operator's visibility due to direct light rays, reflections of lights from parts of the boat, or reflection of lights from haze or fog. In the last case, the higher the light the better.

Lights should be mounted in a level position to assure proper distances and areas of visibility.

To avoid limitation in distance of visibility by the curvature of the earth, no light required to be visible three miles should be mounted less than three feet above water level.

In the cases of double-ended boats and boats with outboard motors or outboard rudders, difficulty may be experienced in locating the after white light. In such cases the stern light may be located slightly off the boat's centerline if necessary.

Whistles, Horns and Bells

Class "A" boats are not required to carry any such equipment. However, the Coast Guard points out:

"The Rules of the Road place upon owners, masters or operators of all motorboats, responsibility for giving and answering of passing signals on whistle, fog horn, or bell as prescribed, although the Motorboat Act does not require such signaling equipment aboard certain classes of motorboats. In case of accident or casualty, the courts would undoubtedly give great consideration to any lack of such equipment in fixing responsibility."

Class "I" boats must have a hand, mouth or power-operated whistle or horn capable of producing a blast of at least two seconds duration and be audible for at least one-half mile.

Class "II" and Class "III" vessels are required to carry a bell which, when struck, produces a clear, bell-like tone of full round characteristics.

Class "II" boats must be equipped with a horn or whistle, hand or power-operated, capable of producing a blast of at least two seconds duration to be audible for one mile.

Class "III" boats are required to carry a power-operated horn or whistle capable of a two-second blast which must be heard at least one mile away.

Lifesaving Devices

Class "A", "I" and "II" boats must carry one Coast-Guard approved life preserver, buoyant vest, ring buoy, or buoyant cushion in good and serviceable condition for each person aboard.

Class "III" boats must carry one Coast Guard approved life preserver or ring buoy for each person on board. Buoyant cushions or buoyant vests do not meet the requirements in this class boat.

"Coast Guard Approved" equipment is that which has been approved by the Commandant of the Coast Guard after an analysis of its construction. The equipment must conform to the various Coast Guard specifications and regulations concerning both performance and construction.

Names of manufacturers of approved equipment and approval numbers assigned to them for various types of equipment are contained in Coast Guard Booklet CG-190. This booklet, entitled "Equipment Lists" may be obtained without charge from your nearest Coast Guard District Office. (See Appendix "C.")

When purchasing approved equipment insist on a sales slip describing the article as "Coast Guard Approved." If a Coast Guard Inspection Officer rejects your equipment as not approved, you will then be able to have your money refunded.

Other Equipment

FIRE EXTINGUISHERS: Under the Motorboat Act, outboard motorboats of less than 26 feet in length, of open construction, not carrying passengers for hire, are not required to carry fire extinguishers. The problem arises here in defining "open construction." This has been held to mean, at various times, that any enclosure, however small, takes the boat out of the "open construction" class. To be on the safe side, always carry at least a one-quart carbon "tet" fire extinguisher on board.

FLAME ARRESTORS: All motorboats, other than outboards must be fitted with an approved device for arresting backfire.

NUMBERS: Federal regulations require that all boats with permanently installed motors and all boats over 16 feet long with detachable motors, must be numbered. These numbers are assigned by the Coast Guard and are for the purpose of identification only.

The number must be painted or attached to each bow of the vessel. It must be in block letters of good proportion and not less than three inches high. The numbers must read from left to right. They must be parallel with the water line and of such a color that they contrast with the boat's paint job.

To get your number apply to the Coast Guard District Commander in your area as listed in Appendix "C." If you have purchased a used boat, the seller must turn over his Coast Guard Form No. 1513 to you. You must fill this form out and then apply for a new number within ten days of the purchase.

Of course, as mentioned at the beginning of this chapter, the above rules apply only to those waters under Federal jurisdiction. Many states have passed similar laws for waters under their control but these vary from state to state.

Chapter 12

STATE BOATING RESTRICTIONS

State Regulations

As mentioned before, each state has its individual rules about the use and operation of boats on waters of that state. The following are samples of some of the restrictions in each state:

ALABAMA: Illegal to fish by trolling from any boat, skiff or other floating device propelled or drawn by an inboard or outboard motor in certain bays and basins in the state.

Prohibits shooting waterfowl or game from boats equipped with outboard motors.

ARIZONA: Prohibits the use of motorboats on Show Low (Jacques) Lake.

Illegal to take any wildlife except fish and bullfrogs from a powerboat, boat under sail, or a floating object towed by a powerboat or sailboat.

Prohibits: careless operation; interference with navigation; operating while under the influence of intoxicating liquor; overloading.

Requires: those involved in accidents to immediately stop and give assistance; children under eight to wear life preservers at all times while on board; each boat to be equipped with an approved life jacket, ring buoy, buoyant vest, buoyant belt or buoyant cushion for every passenger; a steady light after dark to be visible at least one mile.

ARKANSAS: Illegal to use boats of any type to capture or attempt to capture any deer in lakes or streams of the state.

Speed is restricted to 10 mph for inboard motorboats on certain lakes.

Outboard motors must be equipped with mufflers.

CALIFORNIA: Prohibits the shooting of any upland game from a boat of any type.

COLORADO: Illegal to rally game with a boat. Unlawful to shoot waterfowl from a boat with the motor attached.

CONNECTICUT: Boats operated by a motor on Bantam Lake in Morris must be registered with the town clerk and can be operated only between 5:00 a.m. and 10:00 p.m.

No motors are allowed on Beardsley Park Pond and on Mohawk Pond.

Private boats and canoes are prohibited on Black Rock Pond, Stillwater Pond and on Wononskopumuc where motors are restricted to 12 cubic inch piston displacement.

On Cream Hill Pond no launching of private boats is permitted at state-lease access points. Motors are prohibited by town ordinance without written permission of all property owners on the lake.

Motor-driven boats must be registered and have identification numbers on Highland Lake.

On Manitook Lake the speed limit is eight mph and no boats are permitted within 100 feet of other boats, rafts or shore.

DELAWARE: Unlawful to operate a motorboat over five mph on any pond which is owned, leased or licensed by the Board of Game and Fish Commissioners of the state.

FLORIDA: Illegal to hunt, rally, flush or herd game of any kind from a powerboat, sail boat or craft under sail or towed by any powerboat.

Unlawful to use an airboat for hunting or fishing without obtaining a special permit. Such airboat must display a number painted on the rudder at least 10 inches high.

GEORGIA: Prohibits reckless operation on any fresh waters of the state.

Boating traffic rules require: two boats approaching head-on must turn to right and pass on the port side; an

overtaking boat must keep clear; powerboats to stay 50 feet away from rowboats; in narrow channels boats must keep to the right; large craft must reduce speed near smaller boats because of wake danger; a powerboat at night must display a light visible at least 150 feet in the direction of travel.

IDAHO: Fishing from a raft or boat with a motor attached is unlawful in: Sublett Reservoir, Trinity and Roaring Lakes, Blue and Waha Lakes and Crane Falls Lake.

It is a misdemeanor to hunt for, shoot at, shoot, kill or attempt to kill or capture any ducks, geese or other migratory birds while in a launch or boat of any kind propelled by steam, gasoline or electricity.

ILLINOIS: Prohibits: operation of boats while under the influence of narcotics or liquor; operation in a reckless manner or at excessive speeds; shooting of wildlife from a boat with outboard motor attached.

INDIANA: Prohibits speeds over 10 mph between sunset and sunrise and at any time on lakes less than 325 acres.

Only licensed operators of motor vehicles permitted to use motors over 25 horsepower.

Illegal to operate a motorboat in fish spawning grounds designated and set aside as such by the Director of Conservation.

IOWA: Requires all motor boats to be equipped with a fire extinguisher, muffler and running lights.

Prohibits operating in a reckless and negligent manner and 300 feet from shore faster than 10 mph.

The following boating traffic rules must be observed: when passing from rear, keep to left; when passing head-on keep to right; boat from right always has right of way; sail boats have right of way over all others; motorboats must pass sail boats to leeward; any boat backing from a landing has the right of way over an incoming boat.

KANSAS: Motorboats must be licensed and may be used only for fishing purposes on state lakes under control of the Fish and game Commission.

It is unlawful to use a houseboat or a cabin boat on such lakes. Motorboats are required to be equipped with mufflers and a life preserver for each passenger.

There are special regulations for Lake McKinney in Kearney County.

KENTUCKY: Prohibits shooting of protected migratory waterfowl from boats with outboard motors attached.

LOUISIANA: Enforces Federal regulations concerning hunting migratory waterfowl from boats.

MAINE: Prohibits reckless operation on any Great Pond, river or any inland body of water to which the public has a right of access.

Illegal to operate a motor-equipped boat or canoe on that portion of Portage Lake in townships T.13, R.6, W.E.L.S., county of Aroostook known as the Floating Island area.

MARYLAND: Unlawful to operate a boat or come into any wharf or bathing shore in a reckless manner on any fresh or salt water bay, creek, lake, river or stream in the state.

Speed limit of six knots is enforced on Seneca Creek, Montgomery County.

There are special boating traffic rules for Deep Creek Lake.

MASSACHUSETTS: Illegal to take or kill birds by using a powerboat or sail boat.

Prohibits: the use of motorboats on all state park ponds; reckless operation in the state; motors over 12 horsepower on certain state park lakes.

MICHIGAN: Lawful to use motorboats for stillfishing or trolling except within limits of any fish spawning or refuge area so posted by the Director of Conservation.

Operator of any watercraft involved in an accident resulting in injury, death or property damage over \$50.00 must report such accident to the police or sheriff.

All powerboats less than 16 feet long must be licensed unless they are registered with the Coast Guard.

Motorboats operated within $\frac{1}{4}$ mile of the shore on inland and Great Lakes must be equipped with mufflers.

MINNESOTA: Unlawful to enter upon any posted migratory waterfowl feeding or resting station during the open migratory waterfowl season with any boat propelled by a motor.

Prohibits: operating a motorboat while under the influence of intoxicating liquor; operating a motorboat without a muffler; reckless operation.

MISSISSIPPI: Unlawful to wound, drown, shoot, capture, take or otherwise kill any deer from a boat.

There is a five horsepower limit on small lakes and dam-made lakes within the state.

MISSOURI: Only electric motors are permitted on Community Lakes and boats must be removed from such lakes daily.

No furbearers may be hunted with firearms from a boat at night.

MONTANA: Illegal to operate a boat upon Montana waters which is not carrying one adequate life preserver for each passenger.

NEBRASKA: Motorboats are not permitted except on Victory and Cottonmill Lakes within state-owned recreation areas.

Illegal to hunt any waterfowl from any watercraft propelled by sails or electric, gas or steam power.

NEVADA: Unlawful to overload a boat taking into consideration weather and other operating conditions.

All motorboats must be equipped with: a life preserver for each passenger; at least one fire extinguisher; over 16 feet long must have a whistle; a lantern or flashlight not attached to the boat (if outboards.)

It is illegal to: operate in a reckless manner; operate in marked swimming areas; operate while under the influence of intoxicating liquor.

NEW HAMPSHIRE: Boating regulations are under the

jurisdiction of the Public Utilities Commission, State House Annex, Concord.

All motorboats required to be registered in the state.

Equipment required on all motorboats: mufflers, life preservers, fire extinguishers, lights after sundown.

Detailed traffic laws are strictly enforced.

NEW JERSEY: Unlawful to pursue any goose, duck, brant or other kind of game bird or to shoot at same from a boat or vessel propelled by any means other than by oars or paddles.

NEW MEXICO: Special regulations concerning boats are in effect on Conchas Dam and Elephant Butte Lakes.

Illegal to operate a boat while under the influence of intoxicating liquor, operate a boat with an outboard motor on small Game Department owned lakes, operate a boat under unsafe conditions on state-controlled lakes.

NEW YORK: Illegal to use motorboats to rally or herd fish into a net.

Special regulations and traffic laws in effect on the New York State Canal System.

NORTH CAROLINA: Unlawful to take birds or animals at any time from a powerboat, sail boat or any boat under sail, or any floating device towed by such powerboat or sail boat.

Outboard motors must be licensed and registered and equipped with mufflers.

NORTH DAKOTA: Each passenger on any boat on waters of the state over five feet deep must be equipped with a life preserver or other life-saving device in good condition. Each such boat must show a light after dark and be of seaworthy construction.

OHIO: Ohio Parks Division license needed on lakes controlled by Ohio Wildlife Division or Parks Division for outboard motors.

Speed restrictions are: 10 mph except in zoned areas where limit is 25 mph; six mph near shore areas; two mph while trolling near shore.

Special licenses for outboards needed on the Muskingham Lakes.

The Department of Natural Resources, Division of Parks, has issued a pamphlet of Rules and Regulations governing watercraft operation on Ohio State Park lakes.

OKLAHOMA: Local governments have control over lakes within their jurisdiction.

Illegal to hunt or shoot game from boats with outboard motors attached.

OREGON: Equipment required on all motorboats operated on waters of the state: a life preserver for each passenger; mufflers; fire extinguisher; lights as prescribed in the Coast Guard Regulations.

It is illegal to: operate a boat in a reckless manner; sit on gunwales or decking over bow when underway; fail to stop and give assistance in case of a boating accident.

PENNSYLVANIA: All motorboats must be equipped with fire extinguishers and a life preserver for each passenger.

Unlawful to hunt for, pursue or follow after with intent to kill, game of any kind from or with or through the use of any boat or craft propelled by any means other than oars or pole or handpaddle.

RHODE ISLAND: Illegal to hunt waterfowl from a sail or power boat.

All motors must be equipped with mufflers.

SOUTH CAROLINA: Unlawful to operate a motorboat while under the influence of intoxicating liquor.

All boats rented for use on public waters of the state except Clarks Hill and Stevens Creek must have a life preserver for every passenger on board.

SOUTH DAKOTA: Reckless operation of any motorboat, launch or other watercraft, the motive power of which is an internal combustion engine is considered to be a misdemeanor.

Rental boats must be licensed by the state.

TENNESSEE: Unlawful to hunt, chase or kill any wild

birds, wild animals or wild fowl from any craft propelled by electric, gasoline, steam or sail power.

The TVA system lakes have separate regulations concerning boating on each such lake.

TEXAS: A \$2.00 fee is required of every person owning or navigating a sail boat or powerboat for accomodating hunters for pay.

Unlawful to operate a hired boat on fresh waters without a life preserver for each passenger. This law does not apply on a river within 10 miles of bay, inlet or gulf waters into which the river flows.

UTAH: Requires anyone who owns or operates a ship, vessel or boat which is used on Utah lakes, rivers, reservoirs, canals or navigable streams to equip it with a life preserver for each person on board.

Outboard motors are prohibited on 1200 small lakes.

VERMONT: Speed limits on waters of the state are: 25 mph within 200 feet of the shores of a bathing beach; 10 mph within 50 feet of public beaches or landings; 15 mph within 200 feet of a canoe, rowboat or other light craft.

State law prohibits carelessness and operation without a muffler on powerboats.

VIRGINIA: Illegal to use outboard motors on state-owned lakes and ponds, and to troll with an outboard on any controlled inland waters of the state.

WASHINGTON: Unlawful to fish from a boat or any other floating device equipped with a motor in Carlisle Lake, Aeneas Lake, Tunnel Lake and Mill Creek Reservoir.

Prohibits stirring up or shooting any game by the use of watercraft.

WEST VIRGINIA: Special boating regulations are in effect at Bluestone and Tygart Reservoirs.

Unlawful to kill wild animals or birds from motorboats on any waters of the state.

WISCONSIN: Requires all boats operated at night to be equipped with bow and stern lights and if such boat travels at speeds in excess of 15 mph it must also carry a

searchlight capable of picking out an object the size of a rowboat or canoe at a distance of 200 feet.

All boats in the state are subject to inspection once each year by the city, town or village having jurisdiction over such boat.

Illegal to troll or fish from a motorboat while the motor is running or from a sail boat while in motion at any time in all inland waters.

WYOMING: A life jacket is required for every passenger on any boat operated on the waters of the state.

Illegal to hunt or kill any game animals or game birds of the state from or by the use of a powerboat.

PART IV

MISCELLANEOUS OUTDOOR ACTIVITIES

Chapter 13

LAW AND THE CAMPER

In the last five years the number of people who camp out for their yearly vacations has more than doubled. There are now 40 million Americans who decide to spend their vacations in the open each year.

If you happen to be among the lucky 40 million you should keep in mind that you, as a camper, have certain legal responsibilities and obligations.

Where to Camp

When you are looking for a spot to pitch your tent always remember that the laws of trespass apply in every state. If you wish to camp on private property you must obtain permission from the landowner regardless of whether or not the property is posted.

Even though you do have the landowner's permission, you are still liable for any damages you may cause. To avoid liability always be more than cautious with campfires when on private property.

Many states make indiscriminate camping and fire-building a crime.

In Arizona, for example, it is unlawful to camp within $\frac{1}{4}$ mile of a waterhole in such a manner that wildlife or domestic stock will be denied access to the only reasonably available water.

In Colorado there is a \$50 fine for leaving a campfire unattended.

In Indiana it is unlawful to make a fire on another's land or to leave a campfire burning without someone watching it.

The Missouri law provides, under the State Forestry Act, that any person who shall willfully or maliciously set fire to any woodlot, forest or wild land or property or material or vegetation on the lands of another shall be guilty of a misdemeanor.

In New Mexico the law provides a fine or imprisonment for anyone who builds a campfire on lands within the state, not his own, without clearing the ground immediately around it free from material which will carry fire.

In order to minimize the possibility of legal entanglements on your camping trip, your best bet is to camp in a state or national park set aside for such purposes. These places maintain well-manicured campsites. Their locations and facilities may be secured by writing to the Conservation Department of your state or to the National Park Service, Department of Interior, Washington, D. C.

State Camping Regulations

Most states have set aside specific areas and enacted special laws for camping in these areas. Samples of such laws in those states which maintain camping grounds are:

DELAWARE: On the Delaware Dunes Public Camping Areas, rates for each camp site are \$2.00 per day. Only fabric tents are permitted. Wood may be used for tent flooring only. Trailers of the expandable tent type may be used.

ILLINOIS: There are 33 State Parks where camp grounds are maintained for the use of the public without charge. However, a camping permit is required and is issued by the respective Park Custodian.

In such camping areas it is illegal to: camp more than two weeks; build a fire anyplace except in a camp stove;

bring intoxicating liquor to the camp grounds; injure any trees, flowers or shrubs; keep unleashed dogs or animals on State Park property; make any noise after 10:00 p.m.

KANSAS: Unlawful to: build or start a fire anyplace except where proper provisions for fires have been made; to leave a campfire while it is still burning; to camp without first obtaining a permit in a state park.

Permit holders may camp for only three days at a time. Camping by boys under 17, unaccompanied by adults and girls under 18, unaccompanied by parents or a chaperon is prohibited.

MONTANA: All campgrounds are open to the public free of charge. In a few areas overnight camping is not permitted. For national forest campgrounds off the main highways write U. S. Forest Service, Regional Headquarters, Missoula, Montana.

NEW MEXICO: With few exceptions, camping is free in the state. Firearms prohibited in certain areas. Requires campers to be careful with fire and to leave a clean camp.

NORTH CAROLINA: Unlawful to camp or to build fires within a designated wildlife refuge or cooperative wildlife management area except in regions designated for that purpose by the refuge manager.

OHIO: Campers may pitch their tents in certain designated park areas only. They are required to register with the park manager and may stay no longer than 14 days. A camping fee of 50c per night is charged for four persons or less and 50c plus 5c per day for each additional person.

SOUTH DAKOTA: No charges for use of state camping facilities. These acts are forbidden: despoiling vegetation by chopping, cutting or digging; mutilating natural features, tables, toilets or other campground facilities; cleaning fish on picnic tables; throwing any burning material from any vehicle; using fireworks; building fires anyplace except in established fireplaces.

You are urged to carry a shovel, axe and water bucket in your car. If you find a small fire, extinguish it. If it is too

large for you to handle, you are asked to report it to the nearest State Game Warden or U. S. Forest Service Ranger.

VERMONT: Camp site fees for tent floors and trailers is \$1.50; lean-tos are \$2.00 per day per group of five persons or less.

All developed state park and forest areas have fireplaces, good water, tables and sanitary facilities.

WEST VIRGINIA: Tent Camping is permitted at Blue-stone, Tygart Lake and Watoga State Parks. Fees are \$1.00 per night per tent or trailer for tents or trailers accomodating four or less persons. For over four persons, an additional charge is made of 25c for each adult and 10c for each child 12 years of age or under.

WISCONSIN: The Conservation Department of the state has 31 State Parks and eight State Forests under its control. It has set up certain regulations and rules of conduct which campers must observe. Violators are subject to a penalty of \$25 to \$100 fine or imprisonment not exceeding six months or both.

Some of the rules are: dogs, cats or similar household pets must be kept on a leash or otherwise under control so as not to be a source of irritation or complaint from other campers.

It is unlawful to: build a fire anyplace except in designated areas; to leave a campfire unattended; molest, deface, remove or destroy any trees, shrubs, plants or other natural growth; disturb, molest or remove the property or personal effects of others.

As the above samples indicate, every state has its own set of regulations for campers. If the particular state you happen to be interested in does not publish its camping rules in pamphlet form, they will be posted at the camp area. To avoid legal liability, know and observe these rules and regulations.

Responsibility for Campfires

Since camping and campfires are synonymous, your greatest legal responsibility as a camper is the observance

of the utmost caution in keeping your fire under careful supervision at all times. As can be seen from the foregoing sample state regulations, the fear of indiscriminate fire building is uppermost in the lawmakers' minds. Everyone knows of the millions of dollars damage done by forest fires year after year. Many of these fires are caused by careless campers.

How far does your legal liability extend in the event you let your campfire get out of control?

Some states have made it a penitentiary offense to start a fire which escapes, but these are usually only cases where the fire is started maliciously. Ordinarily where the offense is a result of ignorance it is considered to be a misdemeanor.

In Oregon during the closed season from April 1 to December 31 of each year it is illegal to build any fires without obtaining a permit. If such fire is built and gets out of control it is considered *prima facie* evidence that it was an unsafe fire.

In any event, regardless of the possibility of being charged with violation of a state law, there is always the strong chance that you will have a civil suit on your hands in the unhappy event your campfire gets away from you.

The general rule, in the absence of specific statutes to the contrary, is that you are responsible for all the ultimate results of your negligence in letting your campfire get out of control. This is provided these results could have been foreseen by a reasonable man.

A few states limit your liability to the immediate area surrounding the fire by special provisions in the law.

Every precaution you take in safeguarding your campfire will be in your favor in assessing legal responsibility for any damage caused by such fire.

By following these rules set up by the Montana Department of Conservation, you will have taken such precautions:

1.) Matches. Be sure your match is out. Break it in two before you throw it away.

2.) Tobacco. Be certain that pipe ashes and cigar or cigarette stubs are dead before throwing them away. Never throw them into brush, leaves or needles.

3.) Making camp. Before building a fire, scrape away all inflammable material from a spot five feet in diameter. Dig a hole in the center and build your camp fire in that hole. Keep it small. Never build a fire against trees, logs or near brush.

4.) Breaking camp. Never break camp until your fire is out—dead out.

5.) Burning brush. Never burn slash or brush in windy weather or while there is the slightest danger that the fire will get away.

6.) Putting out camp fires. Stir coals while soaking them with water. Turn small sticks and drench both sides. Wet ground around fire. If you can't get water stir in earth and tread down until packed tight over and around fire. Be sure the last spark is dead.

Legal Precautions to Take

Before you start on your camping trip take a few minutes to check over several items which can make the difference between a healthful, relaxing sojourn into the great outdoors and a worrisome nightmare that makes you wish you'd spent your two weeks at home.

First check over your insurance policies, either with your insurance agent or, if you understand them thoroughly, by yourself. If you will be pulling a trailer on the trip, make certain your car coverage includes the trailer.

Look over your personal liability policy. You may find it covers many accidents that occur in your home away from home.

It may be worthwhile for you to investigate a new "Outdoor Sportsmen" insurance policy being offered by many companies. It covers injuries sustained while hunting, fish-

ing, trap-shooting or going to or from these sports. For \$10 a year the policy provides \$1000 for medical expenses, and \$10,000 for death or dismemberment.

If you belong to an automobile association be certain to carry the bond card with you at all times. It may save you a lot of time and discomfort in the unhappy event you get stopped for violating a traffic ordinance during your trip.

Know as much as possible about the rules and regulations in the area where you plan to camp well in advance of the actual start of your trip. A little time spent in writing to the proper authority can eliminate many headaches when you arrive.

For example most state camping areas do not allow any firearms to be in your possession while camping. You might be faced with the problem of trying to figure out what to do with the pistol or rifle you thoughtlessly packed along. Almost all the states have now enacted anti-litterbug laws. In some the penalties are most severe. In Missouri for example, the fine may be as high as \$1000.

Camping out is an unbeatable way to forget the tensions of everyday living. You can make it worry-free by keeping in mind your legal responsibilities and taking the precautions outlined above.

Chapter 14

LEGAL OBLIGATIONS OF THE FLYING SPORTSMAN

Today many outdoorsmen have taken to the air as a safe, economical and time-saving way of getting to their hunting and fishing grounds. Although as a pilot you are familiar with CAA regulations to be observed in flight, it is possible to overlook certain rules when combining fishing or hunting with flying. This is usually done inadvertently when the sportsman bags a trophy-size animal or gets his limit in heavyweight fish.

The custom is to throw the catch aboard and take off for home without worrying about distribution of weight or overloading. If an accident should occur due to mis-loading, you would be legally liable for all damages caused by the accident since the CAA verdict would be "pilot error" due to violation of regulations.

You can avoid the legal and other unhappy consequences of overloading by planning in advance to ship any excessively heavy game home by rail, commercial airline or in parts, properly tagged.

Canadian Entry Laws

Although we are primarily interested here in the law of the United States as it affects the sportsman, because so many flying outdoorsmen head for Canada and its remote lakes and hunting areas, a few words as to the legal requirements in entering Canada via the air may be helpful.

Your first stop in Canada must be at an airport designated by the Department of National Revenue of Canada

as a Customs Airport. For the one nearest your proposed route, write to Customs Division, Department of National Revenue, Ottawa, Canada or to the Director, Civil Aviation Branch, Ottawa, Canada.

Advance notice of date and approximate time of arrival must be given by telephone, telegraph or mail to the Collector of Customs and Excise at the airport of arrival by the owner or pilot of the aircraft prior to its departure from the United States.

It is advisable, but not required, that you ask the Customs officer to send a reply to your communication. It is then a good idea to carry a copy of this reply with you into Canada so that in the event of a forced landing or if you miss your intended airport, your presence in Canada without advance notice will not be regarded with suspicion.

Advance notice is not required if your first landing will be at Dorval Airport, Montreal or Malton Airport, Toronto. 24-hour Customs service is maintained at these fields.

As a result of a recent agreement between the CAA in the U. S. and the Departments of Transport and National Revenue in Canada, a "Communications-Operation Plan" for Custom flight notification from the United States into Canada is now in effect.

As a result of this plan, when you file your flight plan in the United States for a flight to certain authorized airports in Canada, you may request that the Canadian Customs and Immigration services be notified of the expected time of your arrival. This will be done through airport tower facilities or through a radio range station. It will then be unnecessary to send the advance wire, letter or telephone call mentioned above.

These are called "Adeus" messages and may be transmitted to the following Canadian airports only:

In Alberta: Calgary, Edmonton, Lethbridge or Medicine Hat.

In British Columbia: Penticton, Port Hardy, Sandspit, Vancouver or Victoria.

In Manitoba: Winnipeg.

In New Brunswick: Fredericton, Moncton, or Saint John.

In Nova Scotia: Yarmouth.

In Ontario: Fort William, Gore Bay, Kenora, Muskoka, Ottawa, Toronto, Toronto Island or Windsor.

In Quebec: Mont Joli, Montreal, Quebec or Seven Islands.

In Saskatchewan: Regina.

In Yukon Territory: Whitehorse.

On arrival, in Canada you may be required to produce your pilot's license and Aircraft Log Book. You must have an unrestricted certificate of airworthiness for your airplane.

If everything is in order you will be issued a Permit Form C-15 (special) which will be good for a maximum of three months. This permit is issued to tourists without charge and must be surrendered to the Customs officer at the airport where you make your departure from Canada.

Re-entry into the United States must be made at a designated Port of Entry. Write to the Department of Customs, Washington, D. C. for Regulations governing your return.

Canadian regulations make it necessary to file a flight plan whenever flying designated airways. If you leave the airway you should also file a flight plan giving your proposed route. This procedure is, of course, for your own safety so that search parties will know where to look in the event you are forced down.

State Regulations on Use of Aircraft

In all states it is illegal to shoot at *game* from a flying airplane. A majority of the states have included this prohibition in their hunting and fishing regulations in a general way.

The Arizona law is a typical example of that in effect in most states: "Wildlife shall not be taken from a vehicle, automobile, aircraft, train. . . ."

These states have enacted specific legislation concerning the use of airplanes while hunting or fishing.

ALASKA: In Anchorage and Fairbanks, Civil Aeronautics Regulations limit the use of airport reservations to related aeronautical activities and prohibit the carrying of loaded or concealed weapons on the airport reservations without the written permission of the airport manager.

It is illegal to use helicopters in taking or transporting game animals in Alaska. The law also prohibits the hunting or taking of walruses with the use of airplanes and helicopters.

COLORADO: Article 12 of the Revised Statutes provides: "It shall be unlawful to hunt, take, pursue, follow, chase, harass, molest, disturb, capture, kill, attempt to take, capture, kill or possess, by the use of aircraft any waterfowl, including brant, wild ducks, geese and swans."

It is also unlawful to discharge any gun, rifle, pistol, shotgun or other firearm from an aircraft in motion with intent to kill any migratory bird.

The law further makes it illegal to fly over any natural or artificial lakes, reservoirs or bodies of water in such a manner that it will frighten or disturb birds on the shores or surface of such bodies of water at an altitude of less than 500 feet.

IOWA: The law provides a fine up to \$100 or 30 days in jail for any person who intentionally kills, wounds or attempts to kill or wound any animal, fowl or fish from or with an aircraft in flight.

The law further makes it illegal for any aircraft, operated for hire, to use the inland lakes of the state except in the transportation of persons or property between points separated by a distance of 30 miles or more.

MAINE: Section 105 of the Revised Statutes states: "The pilot of any aircraft, other than those of regular transport lines, shall not transport any fish, game, fur-bearing animals or parts thereof by air until he has obtained from the Com-

missioner a permit to do so and each permit so issued shall expire December 31 of the calendar year issued."

MINNESOTA: Animals on which the state pays a bounty may be taken from an airplane provided the hunter secures a special permit from the Game Commissioner. Such permit is issued without a fee.

In a recent Minnesota case where an airplane was used in locating game with the intention of killing or capturing such game, it was decided this was a violation of the law against taking and hunting game by means of aircraft, and therefore illegal.

MONTANA: There is a special provision in the law which makes it illegal to use any aircraft to concentrate, pursue, drive, rally or stir up any game.

It is also prohibited for any person in an aircraft in the air to spot or locate any game, or migratory bird, game, or fur-bearing animals and communicate the location or approximate location by any signals, whether radio, visual or otherwise to any person or persons then on the ground.

NEVADA: While not part of the fish and game law, a statute concerning aeronautics (Chapter 180, Statutes of Nevada, 1945 as amended) prohibits hunting from aircraft; provided, however, permits may be obtained respecting the hunting of predatory animals from airplanes.

NORTH DAKOTA: Section 20-0108 of the Game and Fish laws states: "Wolves, coyotes, Canadian lynx, bobcats, and red or gray foxes may be hunted from aircraft in this state with the permission of the commissioner.

"Such hunting shall be subject to regulation by the commissioner, and he may require a person seeking permission to hunt from an aircraft to post a bond in the sum of not more than \$500.

"Any bond required pursuant to the provisions of this section shall be payable to the State of North Dakota and shall be forfeited to this state if the person giving the bond is convicted of unlawfully hunting from an aircraft."

OREGON: It is illegal to disturb migratory waterfowl

with an airplane by firing from it, piloting it or operating it near such waterfowl when they are at rest in waters or on islands of the state.

SOUTH DAKOTA: The law provides for a fine of \$500 or imprisonment of 3 months or both for any person who violates the "Hunting From Aircraft" statute. This law makes it illegal to kill or attempt to kill any game bird or animal from any aircraft in flight within the state. It is also against this statute to use any aircraft for the purpose of hunting, taking, concentrating, driving, rallying, or stirring up any game birds or animals.

UTAH: Statute 23-1-8, Molestation by Use of Aircraft, makes it illegal to shoot, shoot at, injure, kill, pursue, rally or chase any game animals or game birds from, by or with the use of an airplane.

WISCONSIN: The law in this state makes it illegal to spot or drive game by means of an airplane except that coyotes and foxes may be spotted but not shot from aircraft between January 1 and March 1 of any year.

Trespass By Air

In those states that make hunting or fishing on another's property without the landowner's permission a crime, the same law applies when you set your airplane down on a private field for the purpose of hunting, or a private lake for the purpose of fishing.

Again, besides violating the law, you are liable for any damages you may cause to the property. Always check the ownership of the area you wish to hunt or fish and secure written permission in advance of your flight.

The laws pertaining to aircraft and flying are unique in that a pilot may be guilty of a trespass without ever landing his airplane. The landowner has a property right in the airspace above his land, at least close to the ground.

However, the courts have held that the flying of an aircraft over another's land is not a trespass unless the flight is conducted in such a manner or at such an altitude as to

unreasonably interfere with the landowner's right of use and enjoyment of the surface.

Ordinarily flights above the CAA minimums are not considered an interference with such landowner's rights. Flights below 500 feet are not considered a trespass when they are conducted as part of a landing or take-off on a duly designated airport.

"Buzzing" is not only a violation of CAA regulations but leaves the unthinking pilot wide open for a heavy civil lawsuit. He is responsible for all the ultimate damages resulting from his trespass.

A few years ago a farmer sued a pilot in the Federal court for damages resulting from the flyer's below 500 foot flight which caused his horses to run away. The court made the unhappy aviator pay for two horses, a wagon, a smashed barn plus damages for loss of the use of the horses until they could be replaced.

Even though your flight over another's land may not be a trespass, under certain conditions the landowner may have a right to bring an action against you to enjoin you from creating a nuisance. This type of action arises when there are frequent flights, above CAA minimums, which disturb the landowner's cattle, peaceful enjoyment of his property, or are considered unsafe to the landowner for any reason.

The way to avoid actions of this kind is to keep plenty of air between you and the landowner whenever possible instead of just flying above the legal minimum.

FORCED LANDINGS: Suppose your engine suddenly quits cold on you and you start looking for an upwind strip of pasture, hayfield or backyard in which to set down. How far does your liability extend for damages caused by an unplanned landing in an emergency?

The law in all states is that the aviator is liable for all damages caused when he lands on another's property whether an emergency situation exists or not. The reason for this is that the courts have taken the attitude that the pilot must realize when he takes off that there is always the

possibility, however remote, that he may be forced to make an unscheduled landing someplace. Therefore he assumes the liability for any damages he may cause when he lifts his airplane into the air.

This principle of law makes the pilot liable only for those damages necessarily and directly resulting from the landing.

This responsibility of the pilot for damages caused by landing on another's property was decided in a New York case more than 100 years old. A balloonist descended in the plaintiff's garden and the enthusiastic crowd trampled all over his vegetables and flowers. The court then held that an aviator is responsible for all the damages caused by his landing on another person's property and this has been the law in the United States since.

Other Aircraft Laws

"GUEST STATUTES": Most states that have so-called "guest statute" laws have broadened these laws to include airplanes. Under these statutes, originally applicable only to automobiles, the driver is not responsible for any injuries to his passengers if he is not being paid for the ride.

The Ohio law, typical of the aviation guest law in certain states, reads: "The owner, operator, or person responsible for the operation of an aircraft shall not be liable for loss or damage arising from injuries to or death of a guest resulting from the operation of said aircraft, while such guest is being transported without payment therefor in or upon said aircraft, unless such injuries or death are caused by the willful or wanton misconduct of such owner, operator or person responsible for the operation of said aircraft."

In interpreting this type of law, the courts have held that where a passenger pays a share of the gas and oil used in the flight in exchange for the transportation in connection with business, this constitutes payment and the pilot is responsible for injury or death of his passenger.

On the other hand where passengers "chip in" to pay the

cost of gas and oil on a pleasure trip, this does not constitute payment and the guest statute applies.

In a recent case where a plane crashed as the result of a pilot's failure to carry sufficient gas to enable the plane to reach its destination, the court held the guest statute did not apply. This was considered "wanton or willful" misconduct as set out in the statute and the pilot was held liable for all injuries to his passengers.

In those states where there is no "guest statute," the pilot owes to his passengers the duty to operate his plane with a reasonable degree of care and skill. Failure to so operate his plane makes him responsible legally for any damages suffered by his passengers.

FIREARMS: It is against the law to carry any loaded shotguns or rifles in any aircraft in all states. Such firearms are considered "loaded" whether there are shells in the magazine or in the firing chamber.

Some states specifically except pistols or revolvers from this prohibition. Call your nearest CAA office or write to the Aviation Board in your state capitol for the law in your state.

In those states which permit the hunting of predatory animals from aircraft (this chapter) you may, of course, carry loaded firearms in your plane while legally engaged in such activity.

OTHER LAWS: Each state has its own specific laws concerning licensing and registration of aircraft, minimum altitudes in certain areas and air traffic rules around local airports. Since there are now 6,977 airports in this country according to the CAA, excluding military fields, these local traffic laws are many and varied. You can keep close tab on them by consulting your latest "Notices to Airmen" before taking off for a strange field.

Most states require all pilots to be licensed in accordance with CAA regulations. Federal statutes provide for the issuance, amendment, suspension and revocation of airmen's certificates.

In an interesting New York case the court decided that a seaplane was within a law making it a misdemeanor to operate a vessel on certain waters without a muffler. The operator of such a plane paid a fine for taxiing his plane on the lake without being equipped with a muffler.

Liabilities for injuries to aircraft are governed by the rules applicable to torts generally in the absence of any statutory or contractual provision requiring the application of a different rule.

In a case where a pilot while taxiing down a runway in preparation for taking off failed to observe another plane parked on the runway, and due to such failure, collided with the parked plane, he was held liable for the damages caused by the collision.

Concerning mid-air collisions, the courts have always looked to see if a CAA regulation or other traffic law was violated in placing blame and liability for damages. This is the reason it's a good idea to keep in mind, as always, that you can minimize your legal responsibilities and liabilities by taking all precautions and carefully observing all regulations.

As a flier, you have much broader horizons than the land-bound outdoorsman. However, you have one more dimension to worry about in your legal responsibilities. You must think about what's above and below you as well as either side.

You can erase the worries and enjoy your flying if you not only observe all regulations but use plenty of common sense during your sojourns into the wild blue.

Chapter 15

LEGAL ASPECTS OF OTHER SPORTS

Whenever you participate in any outdoor activity, there is always a possibility of becoming involved in a lawsuit or a chance that you may be violating a law regulating such activity.

Always keep in mind that in any civil lawsuit it is necessary for you to be negligent before you are liable in damages. You must owe a duty towards another person (such as the duty of using reasonable care) you must have violated such duty, and such violation must be the direct cause of the injury or damage complained of.

Taking all necessary precautions, whether you are skiing, ice skating, or hitting out baseballs, will minimize your liability.

If you are hiking or swimming on another's property, remember that the laws of trespass always apply. You are responsible for any damages caused by you while trespassing as well as being in violation of the law in many states.

Golf

Many golfers wonder what their legal responsibilities are towards spectators or others on the golf course who happen to get in the way of a whistling teeshot. Some believe that they have relieved themselves of all obligations by shouting "Fore!"

Actually, the law is that spectators and others "assume the risk" when they step out onto a golf course or are in the vicinity of one. Therefore, in the absence of wanton or will-

ful negligence on the part of the golfer, ordinarily he is not liable for injuries caused by his errant golf ball.

An interesting case where a golfer was held liable arose in Ohio a few years ago. However, in this particular case, the golfer was negligent and the injured person did not "assume the risk."

The accident occurred after a foursome had all teed off. Three of the players began to walk away from the tee towards their respective golf balls. The fourth player, not satisfied with the length of his drive, decided to try another ball. Without any warning, he teed off again. This time the ball struck one of the other players and caused severe injuries.

The court held that the injured player had no reason to expect the fourth player to drive another ball. His doing so was negligence on his part and he had to pay all damages resulting from his negligence.

Water Skiing

This sport has become one of the most popular and fastest growing forms of recreation in the United States. As more people have taken it up, the state legislatures have gradually been passing laws to keep water skiing a safe sport.

In Ohio, for example, a law has recently been enacted which makes it illegal to tow more than two skiers at one time on any state lakes. There must be an observer in the towing boat in addition to the boat operator at all times. This law is typical of that in force in many states.

Michigan has recently enacted many detailed regulations regarding water skiing:

"No operator of any watercraft shall have in tow or shall otherwise be assisting in the propulsion of a person on water skis, water sled, surfboard, or other similar contrivance during the period one hour after sunset to one hour prior to sunrise.

"Any person permitting himself to be towed on water

skis, water sleds, surfboards or similar contrivances in violation of any of the provisions of this act shall be guilty of a misdemeanor."

Another Michigan law provides against reckless operation of a watercraft while towing skis or while being towed on skis so as to endanger or be likely to endanger any person or property.

By following these elementary laws of good skiing practice, you will stay clear of the law as well as any possibility of a lawsuit:

The skier should always wear a lifebelt.

The skier must stay well clear of dangerous obstacles such as docks, floats, other boats, buoys and driftwood.

The skier should always use proper take-off and landing procedure.

The skier should always keep the tow line free and unentangled by his body or the skis.

A second person, besides the operator, should always be in the boat as a lookout, giving the driver the opportunity of observing the skier and his signals at all times.

Water skiers must always stay well clear of swimmers.

The motor should always be turned off and the skier taken aboard from the stern of the boat if he is to be picked up.

The boat and skier must always stay well clear of the shore when towing.

Skin Diving

There are few state laws in regard to the sport of skin diving itself. However, much legislation has been passed in reference to a sport usually closely associated with skin diving, spear fishing.

Some states make it illegal to use spears while fishing without going into the aspects of skin diving. Others specifically make the use of spear guns as such, illegal. A few states name the actual sport of taking fish while skin diving as a violation of the law.

Chart 7 shows those states which have regulated spear fishing through their fish and game laws. Of course, these are not regulating skin diving itself, but only concern one of the many offshoots of the sport.

CHART VII

STATE REGULATIONS ON SPEAR FISHING

ALABAMA	Illegal to use a spear while fishing.
ARIZONA	Legal to spear carp and suckers only.
ARKANSAS	Legal from July 1 to August 31 to spear rough fish only.
CALIFORNIA*	Legal to spear carp only in certain areas.
CONNECTICUT	Legal to spear fish in all inland waters.
DELAWARE	Legal to spear carp only.
GEORGIA	Taking of fish with spears is illegal.
IDAHO	Taking of fish with spears is illegal.
ILLINOIS	Illegal to take fish with a spear.
INDIANA	Spear fishing is illegal.
IOWA	Legal to spear rough fish in certain waters at certain times only.
KANSAS	Spear fishing of all kinds is illegal.
KENTUCKY	Legal to use spears while fishing.
LOUISIANA	Spear fishing is illegal.
MARYLAND	Spear fishing is illegal.
MICHIGAN**	Spear fishing is legal by hand-propelled spears in season and only in certain areas.
MINNESOTA	Spear fishing is legal at certain times and in certain waters for rough fish only.
MISSOURI	Spear fishing for rough fish only and only on certain lakes is permitted.

* See footnotes on page 102

MONTANA	Spear fishing is illegal.
NEBRASKA	Legal to spear non-game fish only from April 1 to December 1.
NEVADA	Spear fishing is illegal except for rough fish during open season on open waters.
NEW HAMPSHIRE	Spear fishing is illegal.
NEW JERSEY	Illegal to spear fish in fresh water. Permissible to spear striped bass in season in the Atlantic ocean by hand-propelled spears or harpoons. (Called goggle fishing.)
NEW MEXICO	Permissible to spear non-game fish only and by means of hand-operated spears only.
NEW YORK	Permissible only in the Marine District.
NORTH CAROLINA	Legal only with a special permit.
NORTH DAKOTA	Illegal to spear fish at all times.
OHIO	Legal for rough fish.
OKLAHOMA	Legal to spear non-game fish only and only in certain waters.
OREGON	Illegal to spear fish.
PENNSYLVANIA	Legal for rough fish only.
SOUTH CAROLINA	Illegal to spear fish.
TENNESSEE	Legal to spear fish subject to special regulations.
TEXAS	Legal in public waters for rough fish only.
UTAH	Legal for non-game fish only.
VERMONT	Legal with hunting license to spear pickerel only in certain waters at certain times. Otherwise illegal to spear fish.
WEST VIRGINIA	Spear fishing is illegal.
WISCONSIN	Legal in certain counties only.

• See footnotes on page 102

*California has enacted a special Spearfishing law concerning the use of spears while skin-diving. It reads as follows:

"In all ocean districts, fish (except mollusks, crustaceans, trout, salmon or striped bass) that may be taken by other means, may be taken with spear by a person equipped with underwater goggles, face plates, breathing tubes, or diving apparatus of the type commonly known as self-contained underwater breathing apparatus (SCUBA) and completely submerged."

This does not authorize the taking of fish with spear by a person equipped with any other kind of diving apparatus than that outlined above.

This California law also specifically prohibits spear fishing in ocean districts north of Ventura County within 100 yards of the mouth of any stream.

California also permits the taking of mollusks and crustaceans in all ocean districts south of Yankee Point, Monterey County by hand when skin-diving or SCUBA diving. This is illegal in any other district.

**Under Michigan's Motor Boat Law, Section 15a, provision is made for marking areas in which skin-diving is taking place. The law states:

"Any person diving or submerging in any waterway with the aid of a diving suit or other mechanical diving device may place a buoy in the water at or near the point of submergence.

"The buoy shall bear a red flag not less than 14 inches by 16 inches with a 3½ inch white stripe running from one upper corner to a diagonal lower corner. The buoy shall be in place only while actual diving operations are in progress."

Appendix A

Fishing License Requirements in National Parks and Forests

ALASKA: Glacier Bay National Monument, not required.
Katmai National Monument, not required but subject to
National Park Service Regulations.

Mount McKinley National Park, not required but sub-
ject to National Park Service Regulations.

Sitka National Monument, not required but subject to
National Park Service Regulations.

ARIZONA: Grand Canyon National Park, state fishing license
required.

CALIFORNIA: Angling in national parks must be done in con-
formity with California regulation and special regulations
which apply to individual parks. A California sport fishing
license, with appropriate stamp is required. Consult park
authorities for details.

COLORADO: Rocky Mountain National Park, state license re-
quired and may be obtained in the Park.

Shadow Mountain National Recreation Area, state li-
cense required.

FLORIDA: Desoto National Memorial, license not required.

Everglades National Park, state license required except
for salt water fishing.

Fort Jefferson National Monument, license not required.

GEORGIA: Chattahoochee National Forest, special permit cost-
ing \$1.00 per day per person regardless of age is required
in addition to a regular state fishing license.

Fort Pulaski National Monument, no license required.

KENTUCKY: Mammoth Cave National Park, no license re-
quired.

MAINE: Acadia National Park, state license required.

MONTANA: No state fishing license is required in Glacier Na-

tional Park and Yellowstone National Park since it is considered included in the Park entrance fee charged.

A state fishing license is needed in the following National Forests: Beaverhead, Bitterroot, Cabinet, Custer, Deer Lodge, Flathead, Gallatin, Helena, Kootenai, and Lewis and Clark National Forest.

NORTH CAROLINA: Blue Ridge National Parkway, fishing license required.

Great Smoky Mountains National Park, state fishing license required.

TEXAS: Big Ben National Park, no license required.

UTAH: Zion National Park, state fishing license required.

VIRGINIA: Shanandoah National Park, license required.

WASHINGTON: Mount Ranier National Park, license not required.

WEST VIRGINIA: Special \$1.00 fishing license in addition to regular state license is required to fish in waters within any National Forest in the state.

WYOMING: Grand Teton National Park, license required.

Appendix B

Where to Write for State Fishing and Hunting Information

- ALABAMA:** Director, Department of Conservation, Division of Game and Fish, Montgomery 4.
- ALASKA:** United States Department of the Interior, Fish and Wildlife Service, P.O. Box 2021, Juneau.
- ARIZONA:** Director, Game and Fish Commission, Room 105, Arizona State Building, Phoenix.
- ARKANSAS:** Executive Secretary, Game and Fish Commission, State Capitol Grounds, Little Rock.
- CALIFORNIA:** Department of Fish and Game, 722 Capitol Avenue, Sacramento 14.
- COLORADO:** Director, Game and Fish Commission, 1530 Sherman Street, P.O. Box 720, Denver 1.
- CONNECTICUT:** Superintendent, Board of Fisheries and Game, State Office Building, Hartford 15.
- DELAWARE:** Board of Game and Fish Commissioners, Dover.
- DISTRICT OF COLUMBIA:** Superintendent, Metropolitan Police, P.O. Box 1606, Washington 13, D. C.
- FLORIDA:** Director, Game and Fresh Water Fish Commission, Tallahassee.
- GEORGIA:** Director, Game and Fish Commission, 412 State Capitol, Atlanta.
- IDAHO:** Director, Department of Fish and Game, 518 Front Street, Boise.
- ILLINOIS:** Director, Department of Conservation, 121 State House, Springfield.
- INDIANA:** Director, Division of Fish and Game, Conservation Department, 311 West Washington Street, Indianapolis 9.
- IOWA:** Director, State Conservation Commission, East 7th and Court Avenues, Des Moines 9.
- KANSAS:** Director, Fish and Game Commission, and Forestry, Pratt.

- KENTUCKY:** Director, Division of Game and Fish, Department of Conservation, Frankfort.
- LOUISIANA:** Commissioner, Wildlife and Fisheries Commission, 126 Civil Courts Building, New Orleans 16.
- MAINE:** Commissioner, Department of Inland Fisheries and Game, State House, Augusta.
- MARYLAND:** Director, Game and Inland Fish Commission, 516 Munsey Building, Baltimore 2.
- MASSACHUSETTS:** Director, Division of Fisheries and Game, Department of Conservation, 73 Tremont Street, Boston 8.
- MICHIGAN:** Director, Department of Conservation, Lansing 26.
- MINNESOTA:** Commissioner, Department of Conservation, Room 633 State Office Building, St. Paul 1.
- MISSISSIPPI:** Director, Game and Fish Commission, Box 451, Jackson 5.
- MISSOURI:** State Conservation Commission, Farm Bureau Building, Jefferson City.
- MONTANA:** Secretary, Fish and Game Commission, Helena.
- NEBRASKA:** Game, Forestation and Park Commission, Lincoln 9.
- NEVADA:** Director, State Fish and Game Commission, P.O. Box 678, Reno.
- NEW HAMPSHIRE:** Director, Fish and Game Department, 34 Bridge Street, Concord.
- NEW JERSEY:** Commissioner, Department of Conservation and Economic Development, Trenton 25.
- NEW MEXICO:** Department of Game and Fish, Box 2060, Santa Fe.
- NEW YORK:** Commissioner, Conservation Department, Albany 7.
- NORTH CAROLINA:** Executive Director, Wildlife Resources Commission, P.O. Box 2919, Raleigh.
- NORTH DAKOTA:** Commissioner, Game and Fish Department, Bismarck.
- OHIO:** Director, Department of Natural Resources, Room 1106, Ohio Departments Building, Columbus 15.
- OKLAHOMA:** Director, Game and Fish Department, State Capitol Building, Oklahoma City 5.
- OREGON:** State Game Commission, 1634 S.W. Alder Street, P.O. Box 4136, Portland 8.

- PENNSYLVANIA:** Executive Director, Pennsylvania Game Commission, Harrisburg.
- RHODE ISLAND:** Division of Game and Fish, Veterans Memorial Building, Providence 3.
- SOUTH CAROLINA:** Director, Wildlife Resources Department, Director of Game, Columbia.
- SOUTH DAKOTA:** Director, Department of Game, Fish and Parks, Pierre.
- TENNESSEE:** Director, Game and Fish Commission, Cordell Hull Building, Sixth Avenue, N., Nashville 3.
- TEXAS:** Executive Secretary, Game and Fish Commission, Walton State Building, Austin.
- UTAH:** Department of Fish and Game, 1596 West, North Temple, Salt Lake City 16.
- VERMONT:** Director, Fish and Game Service, Montpelier.
- VIRGINIA:** Executive Director Game and Inland Fisheries, 7 North Second Street, Richmond 13.
- WASHINGTON:** Director, Department of Game, 509 Fairview, N., Seattle 9.
- WEST VIRGINIA:** Director, Conservation Commission, Charleston.
- WISCONSIN:** Director, Conservation Department, Box 450, Madison 1.
- WYOMING:** State Game and Fish Commission, State Office Building, Cheyenne.

Appendix C

Coast Guard District Commanders and Merchant Marine Activities

ALABAMA: Officer in Charge, Marine Inspection, 8th District, 563 Federal Building, Mobile.

ALASKA: Commander, 17th Coast Guard District, Marine Inspection Officer 17th District and Officer in Charge, Marine Inspection, may all be addressed at P.O. Box 2631 Juneau.

CALIFORNIA: Commander, 11th Coast Guard District, 706 Times Building, Long Beach.

Marine Inspection Officer, 11th District and Officer in Charge, Marine Inspection, 11th District may be addressed at 1105 Times Building, Long Beach.

Commander, 12th Coast Guard District, 903 U.S. Appraisers Building, 630 Sansome Street, San Francisco.

Marine Inspection Officer, 12th District, 907 U.S. Appraiser Building, 630 Sansome Street, San Francisco.

Officer in Charge, Marine Inspection, 12th District, Station B, Box 2129, San Francisco.

CONNECTICUT: Officer in Charge, Marine Inspection, 3d District, New London.

FLORIDA: Commander, 7th Coast Guard District, Marine Inspection Officer, 7th District and Officer in Charge, Marine Inspection, may be addressed at 150 S.E. 3d Avenue, Miami.

Officer in Charge, Marine Inspection, 7th District, 406 Federal Building, Tampa.

Officer in Charge, Marine Inspection, 7th District, 210 Federal Building, Jacksonville.

GEORGIA: Officer in Charge, Marine Inspection, 7th District, 205 Customhouse, Savannah.

ILLINOIS: Officer in Charge, Marine Inspection, 2d District, 425-427 New Post Office Building, Cairo.

Officer in Charge, Marine Inspection, 9th District, 610 Canal Street, Chicago.

IOWA: Officer in Charge, Marine Inspection, 2d District, Room 301, Post Office and Courthouse Building, Dubuque.

KENTUCKY: Officer in Charge, Marine Inspection, 2d District, 606 Federal Building, Louisville.

- LOUISIANA:** Commander, 8th Coast Guard District, 328 Customhouse, New Orleans.
Marine Inspection Officer, 8th District, 313 Customhouse, New Orleans.
Officer in Charge, Marine Inspection, 8th District, 311 Customhouse, New Orleans.
- MAINE:** Officer in Charge, Marine Inspection, 1st District, 76 Pearl Street, Portland.
- MARYLAND:** Officer in Charge, Marine Inspection, 5th District, 209 Chamber of Commerce Building, Baltimore.
- MASSACHUSETTS:** Commander, 1st Coast Guard District and Marine Inspection Officer, 1st District may be addressed at 1400 Customhouse, Boston.
Officer in Charge, Marine Inspection, 1st District, 447 Commercial Street, Boston.
- MICHIGAN:** Officer in Charge, Marine Inspection, 9th District, 430 Federal Building, Detroit.
Officer in Charge, Marine Inspection, 9th District, Municipal Building, Saint Ignace.
Officer in Charge, Marine Inspection, 9th District, National Bank Building, Lundington.
- MINNESOTA:** Officer in Charge, Marine Inspection, 9th District, 311 Federal Building, Duluth.
- MISSOURI:** Commander, 2d Coast Guard District, 224 Old Customhouse, St. Louis.
Marine Inspection Officer, 2nd Coast Guard District, 222 Old Customhouse, St. Louis.
Officer in Charge, Marine Inspection, 2d District, 216 Old Customhouse, St. Louis.
- NEW YORK:** Commander, 3rd Coast Guard District, Marine Inspection Officer 3rd District and Officer in Charge, Marine Inspection, 3rd District may be addressed at 80 Lafayette Street, New York.
Officer in Charge, Marine Inspection, 3rd District, 313 Federal Building, Albany.
Officer in Charge, Marine Inspection, 9th District, 440 Federal Building, Buffalo.
Officer in Charge, Marine Inspection, 9th District, 205 Federal Building, Oswego.

OHIO: Officer in Charge, Marine Inspection, 2d District, 748 Federal Building, 5th and Main Streets, Cincinnati.

Commander, 9th Coast Guard District, Marine Inspection Officer, 9th District and Officer in Charge, Marine Inspection, 9th District may each be addressed at Main Post Office Building, Cleveland.

Officer in Charge, Marine Inspection, 9th District, Veterans' Building, 501 Huron Street, Toledo.

OREGON: Officer in Charge, Marine Inspection, 13th District, Room 202, Lincoln Bldg., 208 S.W. 5th Avenue, Portland.

PENNSYLVANIA: Officer in Charge, Marine Inspection, 2d District, 1215 Park Building, Pittsburgh.

Officer in Charge, Marine Inspection, 3rd District, 801 Customhouse, 2d and Chestnut Streets, Philadelphia.

RHODE ISLAND: Officer in Charge, Marine Inspection, 1st District, 409 Federal Building, Providence.

SOUTH CAROLINA: Officer in Charge, Marine Inspection, 7th District, 32 U.S. Customhouse, Charleston..

TENNESSEE: Officer in Charge, Marine Inspection, 2d District, 426 Falls Building, Memphis.

Officer in Charge, Marine Inspection, 2d District, 670 U.S. Court House, 801 Broadway, Nashville.

TEXAS: Officer in Charge, Marine Inspection, 8th District, 1601 Proctor Street, Port Arthur.

Officer in Charge, Marine Inspection, 8th District, 232 Customhouse, Galveston.

Officer in Charge, Marine Inspection, 8th District, 919 Jones Building, Corpus Christi.

Officer in Charge, Marine Inspection, 8th District, 7300 Wingate Avenue, Houston.

VIRGINIA: Commander, 5th Coast Guard District and Marine Inspection Officer, 5th District may each be addressed at Box 540, U.S. Post Office and Court House, Norfolk.

Officer in Charge, Marine Inspection, 5th District, 204 Customhouse, Norfolk.

WASHINGTON: Commander, 13th Coast Guard District, Marine Inspection Officer, 13th District and Officer in Charge, Marine Inspection, 13th District may each be addressed at 618 2d Avenue, Seattle.

WISCONSIN: Officer in Charge, Marine Inspection, 9th District, 551 A Federal Building, Milwaukee.

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